

ALEX. H. STEPHENS



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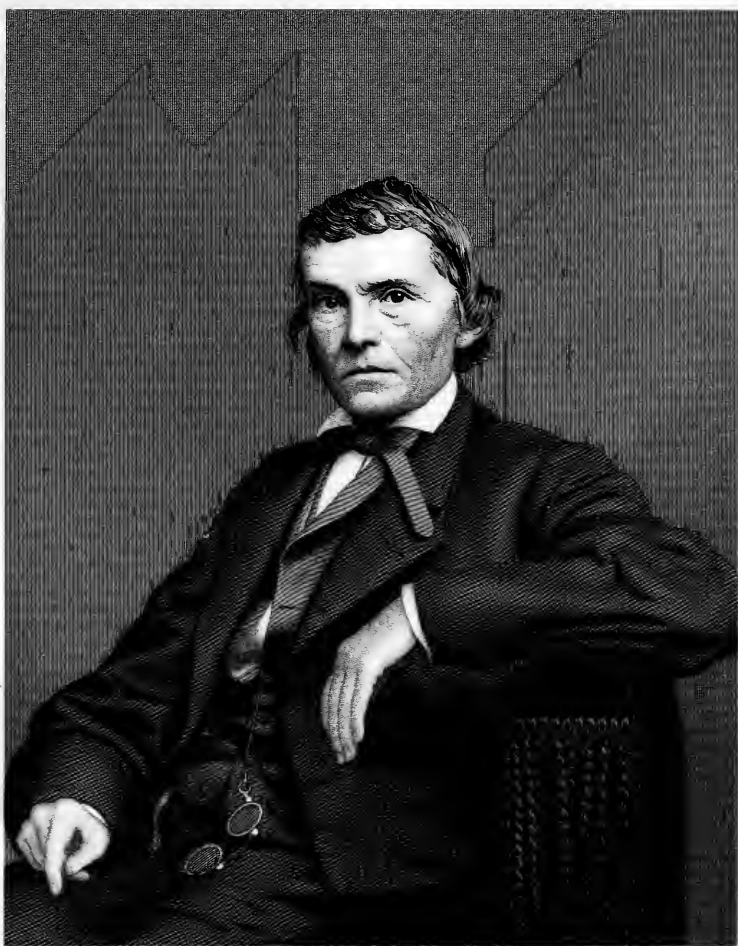






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*Alexander B. Stephens*



LIBERTY HALL, THE RESIDENCE OF MR. STEPHENS.

(From a photograph taken in 1878.)



L I F E

OF

ALEXANDER H. STEPHENS.

BY

RICHARD MALCOLM JOHNSTON

AND

WILLIAM HAND BROWNE.

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PHILADELPHIA:

J. B. LIPPINCOTT & CO.

1878.

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“WASHINGTON, D. C., 27th May, 1878.

“MESSRS. RICHARD M. JOHNSTON AND WM. HAND BROWNE,  
“Baltimore, Maryland.

“DEAR SIRS,—The manuscript of the biography prepared by you, and submitted for my perusal, with the request that I should correct any errors that I might see in it, has been carefully read to me from beginning to end; and I have only to say that I think all the essential facts in regard to me and my acts are substantially correct.

“Of course, I have not had time to compare the copies of the letters, or of the speeches, with the originals. The speeches, however, have all, I think, been published some time ago, in some form or other; most of them in the ‘Congressional Globe’ and ‘Record.’ If any error in them shall have crept into your copies, it can easily be discerned. As to the letters, in one instance I have suggested the *addition* of a few words, to make more clear the true meaning of what was intended at the time of a hasty writing; in another, I have suggested the change of two words; and in still another, the change of one word. These changes have been made with the same view. In no instance have these suggested changes marred or modified the original meaning in the slightest degree. I also suggested some foot-notes which may throw light upon the text.

“For your very great labor, gentlemen, in selecting and arranging, out of the vast material before you, what you have thus presented, and which was so gratuitously undertaken, you have my sincere thanks.

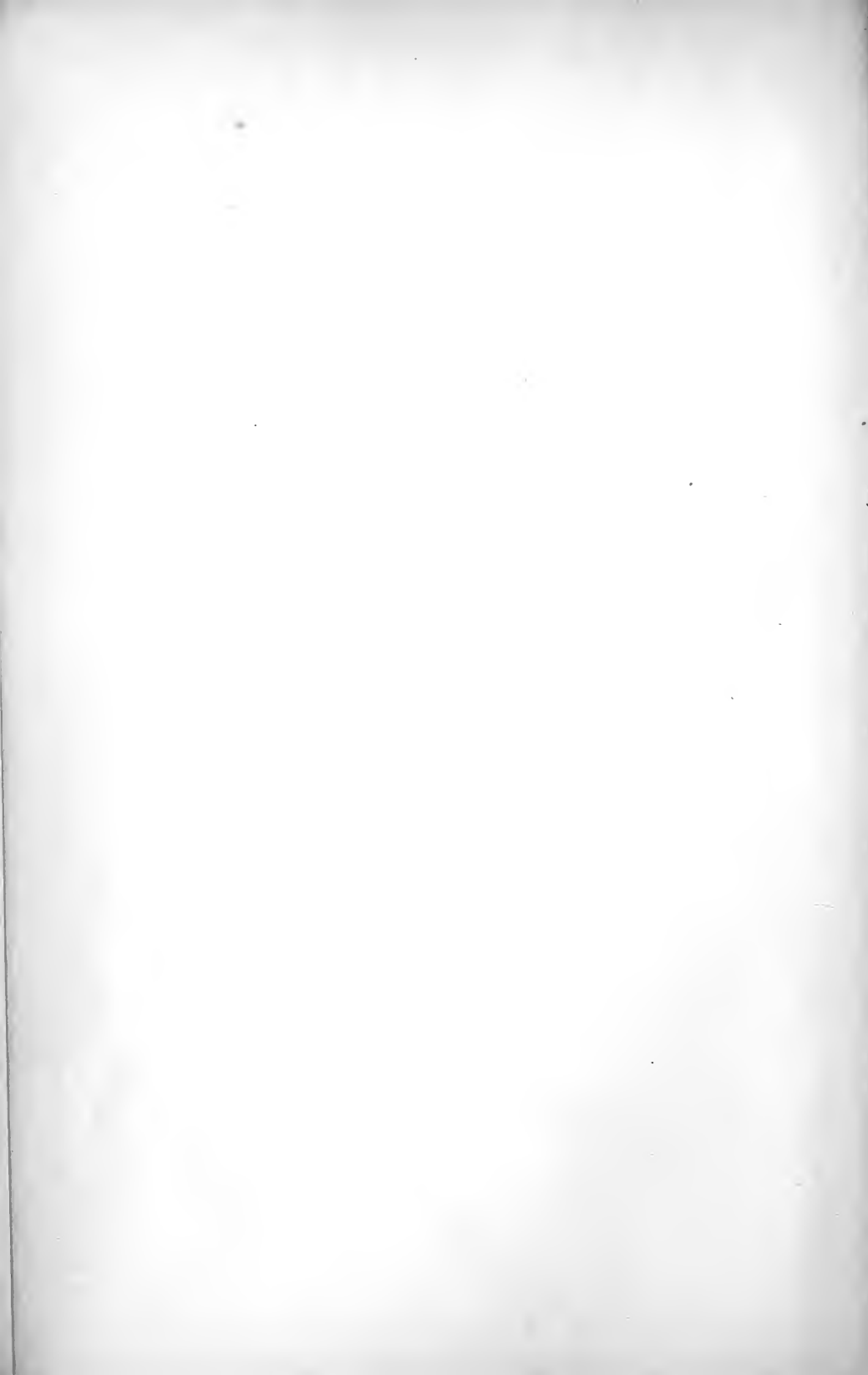
“As I said to you personally, I now repeat, that I yield my consent to the publication of the work in my lifetime only upon the ground of the many misrepresentations of my motives, objects, and acts on several occasions in my not uneventful public course.

This letter, gentlemen, you are at liberty to use as you please.

“With kindest regards and best wishes,

“I remain yours truly,

“ALEXANDER H. STEPHENS.”



## PREFACE.

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IN submitting to the public this biography of Alexander H. Stephens, we deem it proper to make some explanation regarding the facilities we have enjoyed for the performance of our task.

The greater part of the knowledge which we have of Mr. Stephens's private life, and especially of his childhood and youth, has been obtained by Mr. Johnston during a close intimacy of more than twenty-five years, partly in conversations, and partly in letters containing copious answers to direct inquiries. He has also been in the habit of noting down from memory the substance of such of their conversations as turned upon these topics, having for years proposed, at some convenient season, to prepare the present memoir. The letters will be found to refer chiefly to the period of Mr. Stephens's youth, and the conversations to those events of the time in which he had an interest or was an actor. In addition to these there has been placed in our hands a vast body of letters written by himself to his brother Linton during thirty-five years, in which he has recorded not merely every event of the hour, with his views, intentions, opinions, but the inmost thoughts and feelings of his heart. So that even while withholding the large part of this material which discretion or delicacy toward the writer restrains us from making public, we cannot but feel that it is not often the lot of a biographer to be so thoroughly provided with the means for illustrating the character, life, and actions of his subject.

One of the principal motives which have prompted us to undertake this work has been a desire to show the world more than it has yet known of Mr. Stephens's inner nature, and to present an example of continued, faithful, and cheerful discharge of duty during a life rarely exempt from severe suffering both

of body and mind. No one who has known him has ever known a man more faithful to all noble instincts and all manly obligations; and yet none has known one to whom such fidelity was more difficult.

In the year 1858 Mr. Johnston was visiting at his house, and during his stay Mr. Stephens conversed frequently upon the subject of his early life and career. His childhood had seen many troubles. The early loss of his mother, his weakness of constitution, and work hard in itself, and doubly hard for his frail body, were heavier burdens to him than even his family knew. His extreme mental and physical sensibility suffered acutely; but he suffered in silence. They rode together to "the homestead," as he calls his native place. Having dismounted, they were walking from the present house to the place where the old one had stood, when he stopped and said, "It was just here that I was working, hoeing corn, when some one from the house came to tell me that Linton was born. It was on the morning of the 1st of July, 1823."

On reaching the site of the house, he pointed it out, and where the kitchen and garden had been. "This old stump," he said, "is that of a peach-tree that stood behind the kitchen-chimney. Here was the asparagus-bed,—do you see?"—and though thirty-five years had elapsed there were several shoots of that plant still lifting their slender heads.

The grave-yard—inclosed by a thick stone wall erected by Mr. Stephens but a few years before—was a few paces distant. "Here lie," he said, "many who were dear to me in life, and here I wish to be buried when I die."

They went next to the spring. Neglect had diminished its waters, and the rains of years had laid waste its pleasing surroundings. They sat upon the hill-side. "How many, many events," he said, "are associated in my heart with that spring! How many times I have been here when a child, often coming for no other purpose than to muse here undisturbed! Do you see my name carved upon that stone? That was done when I was a boy. Here I have often lain upon my back and looked up through the tops of the trees toward the sky and watched the flying clouds. My mother I had only heard of from others,

and when very young I used to come here and think where she then was, and fancied that she might be in one of those passing clouds, and might know how my heart longed for her. But no human being knew that I had such thoughts."

When we retired for the night, he invited his guest, if not too fatigued, to come into his room. "You have been asking me many questions," he said, "about my early life. I think I will show you something which no one but myself has ever seen before." He took a chair, placed it by a chest of drawers surmounted by rows of pigeon-holes, on the top of which lay a confused mass of books and papers. From the former he selected one which was carefully tied up: it was old and dusty. He looked at it musingly for some time, and then untied the string. "This," he said, "is a kind of journal, and contains some things that I wrote many years ago, when I first came to the bar. I have not looked into it for years. '*Noli me tangere*,' I see I have written on the back, and I have many times thought I would destroy it."

"I am glad you have not done so, and I wish you would let me have it."

"No," he answered; "there are some things in it that I am not willing for any one to see."

He afterwards read aloud several pages from it, and after some reflection, said his guest might read the whole. A year or two after this the book was received, and such parts extracted as would aid in the proposed work. This journal gives no incidents of his life previous to the death of his father. Many of these were told in that visit and on subsequent occasions. But not having then begun the habit of taking notes of these conversations, Mr. Johnston found that much that he wished to remember escaped his memory; so he determined to get as many written statements from him as he could be induced to give.

In the latter part of the year 1862 Mr. J. wrote a bit of doggerel poetry, and inclosed it in a jocular and burlesque letter signed with the name "Jeems Giles." The personage represented himself as a humble but hopeful aspirant for poetical fame, whose soul yearned for sympathy and encouragement. Mr. Stephens recognized the handwriting; and in a day or two Mr. Giles

received an amusing answer in the same style. The correspondence thus begun was continued for some time, the letters chiefly consisting of humorous criticisms upon each other's productions; and in it Mr. Stephens took the name of "Peter Finkle," and wrote in the character of one holding some subordinate position under him, but admitted to a considerable degree of his patron's confidence.

Early in 1863, Mr. Stephens being then at home, Mr. Giles, having exhausted what amusement was to be had from the subjects hitherto discussed, asked Mr. Finkle to write him something about his patron himself, his childhood and early manhood, and to get from him occasionally his opinions about the war and other public matters. Mr. Finkle promised compliance, and from time to time thereafter reported many conversations he had had with "Boss," as he denominated his patron.

It was in this way were obtained from Mr. Stephens many incidents of his life that could hardly have been procured otherwise. When he assumed the style of a third party, writing to an imaginary person, he wrote with an interest and a freedom which he could never have had in writing under his own name.

From these sources, then,—the Finkle correspondence, the Journal, notes of conversations, and an immense mass of most intimate letters to his brother Linton and his friend, as well as from his speeches, letters, and other records of his public life,—the materials for this biography have been drawn. The respective sources will be indicated in the course of the narrative, in which, wherever possible, we give the words of Mr. Stephens himself.

R. M. J.  
W. H. B.

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# LIFE OF ALEXANDER H. STEPHENS.

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Removal to Georgia—Andrew B. Stephens—Purchase of the Homestead—  
The Grier Family—Marriage of Andrew B. Stephens—Birth of Alexander—  
Second Marriage of Andrew B. Stephens—Birth of Linton Stephens—  
Marriages

AMONG the Jacobites who quitted England, some from apprehension and some from disgust, upon the disastrous ending of the ill-advised attempt known as "the Forty-five," was one Alexander Stephens, the grandfather of him whose biography we have in hand. With some small means, and with aims as definite as are usually held by adventurous exiles who leave their native country to seek homes and fortunes in other lands, he reached Pennsylvania, and at first sought shelter with the Shawnee Indians, at a spot not far from where the town of Chambersburgh now stands.

A young man of spirit and energy, just grown to manhood, who had been in one war and crossed an ocean to better his fortunes, was not likely to remain long with a savage tribe, however friendly their treatment, and whatever peril might attend his departure. His movements have not been precisely chronicled; but we know that when the French and Indian War broke out, he enlisted under Washington, and was present at Braddock's defeat. What befell him immediately after this is not known; but his subsequent wanderings brought him to the ferry at the junction of the Juniata and Susquehanna Rivers. The Juniata is somewhat of a classic and poetic stream, or at least used to be,

forty years ago, when a song commemorative of the charms of "The Blue Juniata" was much affected by sentimental songsters. Alexander Stephens was not accounted a poet in his day, so far as we have heard, yet he bore an important part in a small poem whose scene was laid on the banks of this river. The owner of the ferry was a wealthy gentleman by the name of Baskins, and among other children he had a daughter, with whom the young Jacobite made acquaintance. Whether her personal attractions borrowed or needed any aid from the romantic scenery amid which she dwelt, or the goodly estate which she had the prospect of inheriting, and whether his own were enhanced by the dangers he had seen and escaped, we cannot now say. But these two young persons, in the course of time, found each other's society so agreeable, that they resolved to enjoy it for life. Mr. Baskins, having made other arrangements for his daughter better suited to his taste, refused his consent to their union, and threatened to disinherit. But the young lady was not to be moved by such considerations; so against her father's will she married her young adventurer and united her fortunes with his. Her father's house was now no longer a home for her; and although the couple sued for pardon, Mr. Baskins was inexorable. In the course of time the War of Independence broke out, and Alexander, who had not seen enough of such things, took a part in this. He served through the war, and at its close retired, with the rank of captain, to the house he had made for himself on the Juniata. Finding it still impossible to conciliate his obdurate father-in-law, and the latter dying some time after, leaving a will in which his threats of disinheriting were carried out, Mr. Stephens determined to remove.

By this time he had quite a family of children: three sons—James, Nehemiah, and Andrew B.—and five daughters,—Catherine, Elizabeth, Mary, Sarah, and Jane. He first went to Elbert County, in the State of Georgia; but did not long remain there, soon removing again to the adjoining county of Wilkes, where he took up his abode on rented land, on the banks of Kettle Creek.

James, the eldest son, on reaching his majority, went back to the old neighborhood in Pennsylvania, where his descendants



still live. Nehemiah went to Tennessee. Andrew B., alone of the sons, stayed with his parents, as did Jane, the other daughters marrying in time—Mary, a Jones; Catherine, a Coulter; Sarah, a Hudgins; and Elizabeth, a Kellogg.

Captain Alexander Stephens, it seemed, had been too much among wars to be well fitted for the arts of peace. He continued to live on rented land; and now that James and Nehemiah were gone, his only reliance for help from his children was on his youngest son. Andrew B., in mere boyhood, had shown much taste and aptitude for farming; and he worked on the farm at Kettle Creek, and went to school in the neighborhood at times when his services could be spared. He made such progress in his studies that his father strained a point and sent him to the school in Washington (then the county seat) kept by the Rev. Hope Hull, afterwards one of the leading ministers of the Methodist Church. This was a famous school at that day. Andrew B. Stephens stood high in the master's estimation, as we may judge from the following incident. When he was fourteen years old, a committee of gentlemen residing in a remote part of the county, on the south side of Little River, being desirous of having a school on a better foundation than such as they were accustomed to, waited upon Mr. Hull, and desired him to name one of his pupils who was fit for their purpose. Mr. Hull at once named Andrew B. Stephens, who, though surprised at the decision, as were the other pupils and the committee, accepted the call, opened his school, and began teaching to the entire satisfaction of his patrons.

The young schoolmaster made good use of his first earnings. At the end of the first year he bought a hundred acres of land, paying part of the purchase-money in cash, and giving his bond for the rest. To this place his father and sister Jane removed, and the former spent the remainder of his days there. His mother had died on the farm on Kettle Creek. This hundred-acre tract was the nucleus of that homestead which, except for a few years after the death of Andrew B., has ever since been in the possession of the family. Andrew B., however, did not yet reside with his father and sister. He continued to teach school until he was of age and married, except for two years, when he

was employed as a clerk in a country store. When he married, he went to live on this farm.

His wife's maiden name was Margaret Grier. The Griers had emigrated from the north of Ireland, and they too had settled in Pennsylvania. We can trace the Griers no farther back than two brothers, Robert and Thomas. From one of these the late Justice Grier, of the Supreme Court of the United States, was descended. From the other sprang a branch of the family which removed to Georgia about 1769. Aaron Grier was one of these, and it was his daughter Margaret whom Andrew B. Stephens married. After his marriage, his father lived with him at the homestead until his death in the year 1813. His daughter Jane had died before; so that Andrew B. and his family were left the only occupants of the farm. Jane did not die on the place, but was buried there in the old family burying-ground, where her father was laid by her side.

To Andrew B. and Margaret, his wife, were born three children: Mary, Aaron Grier, and Alexander. Their mother was of a frail constitution, though her fresh and rosy complexion seemed the sign of robust health. Mild, industrious, charitable, intelligent, she was, in the true, old-fashioned sense of the word, a "helpmeet" for her husband. Mary, the eldest daughter, married very young, and died soon after. Aaron Grier lived to manhood, and married Sarah A. Slayton, of Wilkes County. He was a man of very retiring disposition, great good sense, and exemplary character. He died in 1843, leaving his widow with one child, a son, who did not long survive. The widow yet lives, and has never married again. Reference will again be made to this excellent man when we shall have reached the period in this biography contemporary with his death.

ALEXANDER, the youngest child, and the subject of this biography, was born on February 11th, 1812. His mother survived him but a short time, dying on the 12th of the following May, and her grave was the first made in what was then the new burying-ground at the homestead.

After the death of his wife Margaret, Andrew B. Stephens was again married, to Matilda Lindsay, the daughter of Colonel John Lindsay, distinguished in the Revolutionary War. From

this marriage sprang four sons—John L., Andrew Baskins, Benjamin F., and Linton—and a daughter,—Catherine B. ; of whom only John L., Catherine, and Linton lived to majority. John L. married Elizabeth Booker, of Wilkes. He died in 1856, leaving a widow, two daughters, and four sons. Catherine, the daughter, married Thomas Greer, of Talbot County, and died in 1857.

Linton Stephens married, in 1852, Emmeline Bell, widow of George Bell, of Hancock County, and only daughter of the late Hon. James Thomas, former judge of the northern circuit. This lady died in 1857, leaving three daughters ; and ten years afterwards, in 1867, Linton Stephens married again, his wife being Miss Mary W. Salter, of Boston. He died July 14th, 1872, leaving one son and two daughters by his second marriage.

## CHAPTER II.

The "Giles and Finkle" Correspondence—Early Recollections—Schoolmaster Day—Georgia "Old-Field Schools"—A Mutiny—Barring out—The Inquisitive Owl—Schoolmaster Duffie and his Advice.

ALLUSION has already been made in the Preface to the Giles and Finkle correspondence, and how "Mr. Giles," perceiving with how much greater freedom Mr. Stephens expressed himself with regard to his personal affairs when writing in the character of a third person, requested "Mr. Finkle" to give him some of the incidents of the boyhood of "Boss," as that personage chose to designate his friend and patron. On the 5th of April, 1863, the following reply was received:

"APRIL 4th, 1863.

"DEAR JEEMS,—Boss and I were at the Homestead when your letter came yesterday. Boss has been down there all this week. He stays there now the most of his time when at home. Just before Tim [a colored boy then belonging to Mr. Stephens, since dead] brought the letter, we were out in the field before the house, where the hands were planting corn, and Boss was showing how to cover it.

"While he was thus engaged, a Mr. Thomas Akins, from Greene County, came to see him on some business connected with a son he had in the army. So Boss stopped, and after talking about the business until they got through, Mr. Akins said, 'I was never in this part of the country before. These hills are all new to me.'

"Boss replied, 'They are not new to me. My earliest recollections and associations are connected with these scenes, though they are wonderfully changed since then. I recollect when this field was cleared. It was a square ten-acre field, just forty rods square. The first crop was grown on it in 1818, the dry year. The land was rich then. It was always called 'the new ground,' as long as I lived here. Right over yonder, on that hill, I was born, and right along here I was ploughing when I was sent for to go to the house. Father was worse. It was the day before he died; Saturday, May the sixth, 1826. Just up there I took out my horse, little dreaming it was for the last time. The land looked very different then from what it does now.'

"MR. A.—'It must be interesting to you to visit these fields, crowded as they are with so many recollections.'

"Boss.—'Oh, yes. I take more interest in reclaiming these old worn-out fields than in anything else. It is almost a hopeless undertaking; but it affords me a strange pleasure. I spend all my spare time here. I can every day bring to memory some old forgotten incident which awakens whole trains of thought that filled my mind in childhood. These I like to dwell upon: they seem to give strength and durability to the continuity of my existence. In the midst of them I see less change in myself than in nature around me. That very rock yonder, the other day, brought back to my mind vividly one of the earliest experiences I ever had on the subject of religion. You see that big gray rock there: it is split from top to bottom. Well, when this land was cleared, that split or crack in the rock attracted my attention. I could not conceive what had caused it. I asked my father what did it. He said he did not know, but it was supposed by learned men that it was done when Christ was crucified: that the Scriptures said the rocks were rent; and he said that large rocks of this kind all over the country were cracked as this one was. This led on to a full account by him of the crucifixion and resurrection of Christ, and the nature of Redemption,—the first, I think, that I ever had, as I can recollect none earlier. Strange to say, I had entirely forgotten this, until a few days ago, while I was having these ditches made, being tired I sat down to rest upon that rock, and looking upon the split in it, this early incident of my life came to my mind, with all its train of impressions, thoughts, and reflections. So with almost everything about here, every day I am here I find something recalling memories,—some of them back to within three years after my birth. Nearer than that to the beginning of my existence I have not yet been able to start a trace. Some things, it is true, float through my mind as shadows or dreams, to which I can fix no date. Among others, I remember my Aunt Betsey Grier coming to see us, her crying, and taking us children into the garden to the grave of our mother.'"

When this letter came, "Mr. Giles" felt great satisfaction that he had thus succeeded in getting Mr. Stephens to do what he had been asking him for five or six years to do,—to put down in writing some recollections of his boyhood. He had never positively refused in so many words; but he always seemed disposed to avoid conversation on that subject, though he would fully and freely answer any questions upon anything relating to himself. After the Giles and Finkle correspondence began, and at a time when his counsels were of no avail for the country, it became a relief to him to turn away from the contemplation of our public distress to the remembrances of his early years. When he

had once fallen into the habit of writing upon this theme, and especially as he was now writing under an imaginary name to an imaginary correspondent, he manifested a great interest in recording these remembrances, and, as will be seen hereafter, occasionally wrote with much feeling.

Near the rock alluded to in this letter is another. It is outside the field, over the road, in the edge of the wood. On one occasion while the present writer was on a visit to Mr. Stephens, and we had ridden to the homestead, we were walking in this wood and came to the rock. It is a high, irregular boulder. We ascended it, and the following dialogue occurred :

J.—“ Do you remember anything connected with this rock ? ”

S.—“ That I do. This wood was once an exceedingly dense one. It seems now a short distance across the field yonder to the place where we lived. But to us children, when all the intervening space was covered with wood, this was considered a long way from home. We used to come here sometimes to gather honeysuckles and jessamine, which then grew in great abundance around this rock. Often and often have I clambered to its top. But in early childhood this was about the limit of my wanderings, unless I was accompanied by some older person.”

The letter of “ Mr. Finkle,” above quoted from, gives an account of a further conversation between Boss and Mr. Akin :

“ Mr. A.—‘ Did your father live at this place when he taught school at the Cross Roads near where Mr. Lindsay used to live? I went to school to him in 1821.’

“ Boss.—‘ I did not know you ever went to school to him.’

“ Mr. A.—‘ I went to him for about six months at the Cross Roads. How far is that from here?’

“ Boss.—‘ About two miles and a half. That is the place where I first went to school. I went to Mr. Day—Nathaniel Day—for three months, in the same year this field was cleared, 1818. There was a young man named Benjamin Bryant whose way to school led just along there, and who used to come past our house for us children. He was a large, strong young man, and he used to carry me on his shoulders. Some years ago, as I got on the cars at Crawfordville, on my way to Congress at Washington, I saw a tall, fine-looking man standing on the platform, and, as I heard, making inquiries about people long since dead or moved away. I was struck with his appearance. He wore a long black beard, not then common with our people. At Augusta he took the Charleston train, and

when we got there he took the Wilmington boat. At Wilmington he took the Weldon train. I had noticed him all the way. We were seated by each other that day, and I began conversation with him. He inquired where I was from. I told him, and said I had heard him inquiring at our depot about the Littles and other people, and asked him if he knew them. He answered that he did: that he was reared near that place. He then asked my name, and was surprised to hear that Stephens, member of Congress from Georgia, was the identical little automaton that he used to carry on his shoulders to school. He was the same Ben Bryant, then living in Texas; had grown rich, and was now going to North Carolina on a visit. He actually cried when he found out who I was. He left the train at Weldon, and we parted with much emotion on both sides. I have never seen nor heard of him since.'

"MR. A.—'You did not go to your father's school at the same time that I did?'

"Boss.—'No; I went to him there a little then in the winter, but not in the summer. I went in the fall and winter for about three months, and about the same time the year before, over on yonder hill, about a mile off, that was called the Woodruff Hill. It was all woods then. The school-house stood first on that knoll yonder that looks so bare.'"

About a week after the receipt of this letter another came, from which we make some extracts:

"DEAR GILES,—I have not received any answer to my last letter to you; but in a correspondence like ours answers and replies cannot be necessary, and need not be expected as punctually as is usual among men of business. Ours is a sort of written conversation upon things in general as they may arise; each one talking or writing as the spirit moves him, or when he has anything to say, if it be only to relieve 'his laborin' brest,' as you have frequently so well expressed that idea. For this reason, or with these feelings, I write to you now. Not that I have anything particularly interesting to say to you, or to talk about; but just because I feel like talking to somebody on any subject that may arise, simply for the comfort of the mind. Most conversations, I have noticed, are of this character. They generally begin with how d'ye do, or good-day, or some salutation of the sort, and then just drift along as the current of incidents or associations may direct. This, after all, is the most interesting kind of conversation to me. Your staid and studied talk, measured and weighed, was always stiff and disagreeable to me. It is like going to see a friend, and being seated in a fine parlor on a fine mahogany chair with a round-cushioned bottom higher in the middle than anywhere else, which keeps you sitting bolt upright, with no chance to lean back or turn round, except like a fellow on the fool's stool in school. Now I would about as soon be in purgatory as on one of these fine fashionable chairs. They were made for show and not comfort. Sometimes I have thought they were made for

discomfort, to put people in an uneasy and unnatural posture in order to make them leave quick. Give me an old split-bottom chair for all the world; and not too low at that, but high enough for the legs to have fair play, to be stretched out or drawn up or crossed at pleasure, and in which a man may sit upright or lean back or rest on his side, just as he may please. That is the sort of chair for me. And that is the kind of talk, whether spoken or written, that I like, which flows along in a natural way without any premeditation or stuffing."

At this point the letter branches off into a discussion of the comparative value of spoken and written sermons, and then comes back to the subject of talk which drifts in any way as accident may determine.

"Such is and certainly will be the character of this letter from beginning to end, for my mind to-day is perfectly afloat, without object or aim."

After some account of his state of health, "Mr. Finkle" goes on to relate an anecdote of old Mr. Day, to whom Mr. Stephens first went as a scholar, and which we preserve as serving to illustrate some of the ancient doings in the "old-field schools" in Georgia.

"This Mr. Day lived very near the house of Boss's father at that time, and down to the death of the latter. Soon after that he moved up to Walton County, where he lived until a few years ago, when, he died at a very great age. He was what was called a good English teacher in his day and section of country, and though very well to do in the world as to property, yet he occasionally followed the calling of teacher until he became too old. His greatest failing was his fondness for a dram. He was not by any means a drunkard, but the temptation to indulge to excess now and then was very great to him. He often got 'disguised,' as it was then termed; and one of the sayings anciently common in this neighborhood was, when any of the rustics was asked to take anything at dinner or on any similar occasion, 'I thank you; I will. For as old Nat Day used always to say, when asked to take a drink, "I never refuse. I am particularly fond of it."'

"Well, the boys wanted holiday at Whitsuntide, and as Mr. Day had told them that he would not give it, they entered into a regular conspiracy to go through the form of barring him out. All the big boys were to meet on Monday morning and bar up the school-house door, and refuse to let the teacher in until he had made terms. But a little incident interfered with this arrangement, and brought affairs to an earlier *dénouement* than was expected. Henry Perkins, one of the biggest and stoutest boys in



school and the ringleader of the plot, on Friday before did something that brought him a scolding from Mr. Day, to which he replied with some insolence of manner. Day, switch in hand, called him up, apparently with the intention of administering punishment there and then. The expectation of Perkins getting a whipping produced no small sensation. For he was fully grown, and had never been whipped since the school began. He had great liberties—he was a *cipherer*! and all cipherers in those days had, among other privileges, that of going out and staying out when they pleased. The idea of a cipherer being whipped had never before dawned as a possibility upon these young minds. So you may imagine that expectation was on tiptoe when Perkins walked up sulkily. But what was the amazement, the consternation, when, instead of standing out to receive his whipping, he was seen to walk up to the man with the rod, whose authority had never been questioned before, and seize the switch with one hand and the collar of Mr. Day with the other! A short struggle ensued. Day was thrown upon the floor. All the other boys who were in the conspiracy joined on a signal from Perkins, and held the master down until he should give up. The little children screamed and cried, thinking the master was going to be killed or otherwise dreadfully maltreated.

“Boss says he looked on with interest, but without fear or apprehension of any sort. He had no idea that the boys were going to hurt the master; though he knew nothing of the plan or object of the revolt. He heard them proposing terms; and it was finally agreed that they would let him up if he would dismiss his school until the next Wednesday, and send one of them to a little store where the town [Crawfordville] is now situated for a gallon of spirits to treat with. The treaty was agreed to, and the master was allowed to rise. A boy was despatched for the liquor. Ben Bryant, who did not care to stay for the frolic, took charge of his little crowd, and left for home before the return of the messenger. It was about eleven o'clock in the forenoon. Boss and his company ate their dinners out of their baskets on their way home, and when they went back on Wednesday, they found how the whole matter had ended. Most of the big boys stayed until the spirits came, and enjoyed the old man's treat heartily with him. Finally, they broke up in great good humor. The master, they said, did get a little *disguised*, and took home with him the jug and what was left in it after the carousal.”

Doings such as these were not only common, but almost universal in Georgia at the time of which we are speaking, and indeed for years after. Barring out the schoolmaster was regarded in the light of an established usage that could not be dispensed with. Not only the boys, but parents and even teachers were wont to recognize its ancient authority, without expressing, and

apparently without feeling, any dissatisfaction. This liberty was about the only solace which the children of those days had in passing through that fiery ordeal of education, whose most potent and unfailling instrument was the hickory rod. In the hours of study, this dread implement was plied from Monday morning early until Friday evening late, with merciless persistency on the backs and legs of boys and girls, and no amount of tears or entreaties at school or at home could mitigate its horrors. Yet scarce any despotism is so cruel that it does not relax sometimes; so at Whitsuntide, or Easter, or upon other occasions not too frequent, the down-trodden ones were by general consent and universal custom allowed, if they could, to turn out their tyrant or duck him in the branch. At such times he would have been considered a mean fellow who did not send off for a jug of whiskey and divide fairly all round. When this feast of the Saturnalia was over, tyrant and serfs went back to their former estates as easily and naturally as if no temporary enfranchisement had occurred.

Many an amusing incident has been handed down by tradition from those old times. The present writer can just remember this old Mr. Day, but it was long after he had retired from the profession. When he was "disguised" by liquor there was a most absurd mixture of fun and dignity in his carriage and behavior. He had a cook whose name was Sukey. It was related of him that on a day when he was returning home in that complex state of feelings and thoughts, that preposterous resultant of buffoonery and solemnity, which usually followed an occasion of indulgence, and was passing through the woods, he heard the hooting of a large owl. Now the rustics of that day used to maintain that the hoot of this owl contained a statement of fact and a question, the latter of which was propounded to every one who might be in hearing. It ran thus: "I cook—for myself: who cooks—for YOU ALL?" So when Mr. Day heard this question sharply put to him in a magisterial tone, he stopped, raised his hat, and promptly answered, "Suke, sir."

While on the subject of old Georgia schoolmasters, our readers will perhaps forgive us if we mention another, though he has no immediate connection with our narrative. His name

was Duffie, and he swayed the rod in an adjoining county. He was a preacher as well as teacher; and in the latter character he wielded the hickory and took his dram, in all respects like the rest of his brethren. He was a great politician, and took a lively interest in all the local affairs of the county. One Friday afternoon, when there was to be, next day, a horse-race at the county-town, one of the competitors in which was one of his political leaders, he admonished his boys in the following fashion:

“Boys, I suppose you know that there’s going to be a horse-race in town to-morrow. Now, boys, don’t you go to it.

“But, boys, if you do go, don’t you bet. Whatever you do, don’t you bet.

“But, boys, if you *do* bet, mind what I tell you: if you *do* bet, be sure to bet on Abercrombie’s mare!”

### CHAPTER III.

Home-work—Youthful Trials—Recollections of his Father—A Painful Lesson—"Learning Manners"—Exhibitions—Almost a Tragedy—Death of Andrew B. Stephens—A Great Sorrow.

FROM his sixth to his fifteenth year Alexander Stephens spent far more time at toil of some sort than in either study or play; and after the time previously referred to, he was not at school at all until the year 1820, and in the succeeding years only when his services could be spared from the house or the field. From the letter last quoted it will be seen that his schooling in all this time amounted to about two years, and that his work was about as various as any boy's could be. But from his earliest youth, whatever were his allotted duties, he labored at them with a pertinacity and effectiveness that might have won praise from a strong man, at a time when, to a stranger, the idea of one so frail accomplishing anything in the way of work must have seemed unreasonable.

We quote again from "Mr. Finkle":

"I have often heard Boss say that he did not go to school from that time [in 1818, to Nathaniel Day] until the fall or late summer of 1820. He went for about three months in that year, to his father, who then taught school on the Woodruff Hill. In 1821 he went again for a short time to his father, at the same Cross Roads of which Mr. Akins spoke. The next year, 1822, he went for about three months more to his father, who then taught near Powder Creek meeting-house, and at a spring then known as the Booker Spring. In the following year also he went to his father for about the same time and at the same place. None of these periods was exact except the first at Mr. Day's school, where he was entered for three months and went for the full time. His father kept a diary in which the daily attendance of each scholar was entered, and at the end of the year he (Boss) was told how many months all his school-days amounted to. He generally went in the fall and winter. In the summer, and at all times when he was at home, he had a multitude of services to perform, such as taking care of the other children smaller than himself, there being no nurse in his father's household, picking up chips, bringing

water, digging in the garden, hauling manure, keeping the calves off during morning and evening milking, driving the cattle to and from pasture, etc., etc. When there was hauling doing on the place, it was always his duty to 'mind gaps.'"

He was the general errand-goer and messenger. For all the cloth that was put on the loom he had to hand the threads. He was a skilful corn-dropper from a very early age, and after he was eight years old he dropped nearly all the corn that was planted on the place. At ten he could keep up dropping as fast as any ploughman could "lay-off." For several years after the death of his father he frequently dropped ten acres of corn a day, in hills spaced four feet by four. At about eleven years of age he commenced ploughing, and in 1824 he was one of the regular ploughers during the whole crop. He was also the mill-boy and shop-boy,—in fact, from the age of six until he was fourteen, when the family broke up, no one's services were more in demand than his. All the infinitude of little jobs about a house and plantation, which, in later days, usually fell to the lot of the younger negroes, were assigned to him, and he could not well be spared at any time. For this reason his opportunities of schooling were so few.

The extent of his learning at this time was very small. He could read well, and could spell almost every word in Webster's Spelling-Book. Indeed, he was usually head of the spelling-class; and in his father's school particular care was taken with the spelling. "He says," reports "Mr. Finkle," "that he was a better speller then than he is now. He could write, and had ciphered as far as the Single Rule of Three in the old *Federal Calculator*."

There are two courses open to the heart that has passed through a childhood of sickness and menial toil. One is, to harden itself against suffering and sympathy; to contemn, if not to despise, those whom it afterward watches passing through the same ordeal, because they are the reminders of what it is ashamed and angry to be reminded of; and to be as thankless for kindness and friendship as it is reluctant to bestow them. The other course is, to bear in mind that there are blessings annexed to every estate, even to poverty and toil; and that one of the greatest of these blessings is that by poverty and toil we learn

what suffering is, so that when we have emerged from them, we may know how to pity and how to relieve. Perhaps the former course is the more natural. It requires a certain amount—perhaps an exceptional amount—of magnanimity to enable a man to look back upon a time when he endured great privation without any feeling of bitterness or shame arising in his heart. But when one possesses this better nature; when he can remember that he has borne them all without undue complaint or repining, and has stood patiently in his lot until the time of deliverance came, and then brings to his higher and happier career the desire to help all who may need help,—such a man may, and will, thank God for the sweet uses of adversity.

Mr. Stephens, as we have seen, did not acquire much learning in his youth from the schools of books, such as they were; but in the school of experience and practical knowledge, in the duties of the kitchen, the garden, and the field, in the heat and cold, on the bed of sickness, by the side of his mother's grave, at the pillow of his dying father, in his second orphanage, and in the breaking-up and scattering of the family,—in these, and things like these, he learned wisdom higher than any found in books, and by it he grew strong in endurance, strong in purpose, and strong in high resolves to do the right, resist the wrong, and help, wherever he might find them, the suffering and the weak.

And so now he loves to dwell on those early days, knowing that they were of priceless worth to him. As a boy it may have seemed to him hard that, with his delicate frame and eager thirst for learning, he was denied opportunities of study which were granted to so many to whom it was a hateful drudgery; but he now sees that the experiences and trials of those early days were the best sources of his education. He can now think of all the hardships of those days without pain, and of some even with gratitude; and his affections still cling about the place where they were endured, which is still his home, and where he intends shall be his grave.

“Mr. Giles” had frequently asked “Mr. Finkle” to take some opportunity to draw his patron into conversation on the subject of his father; but this was not done until near the end of the year 1863. On the 11th of November of that year he received

a letter touching on the topic in question. Part of it recited a dialogue between "Boss" and one of his nephews, from which we make some extracts :

"NEPHEW.—'Have you any recollection of grandfather, sir? What sort of man was he?"

"MR. S.—'I remember him very distinctly. He was of about the middle height and size, weighing, when in good health, about a hundred and sixty pounds, and of a well-proportioned figure. His hair was black, but became slightly streaked with gray before he died. His eyes were dark gray, his complexion ruddy. He was not what would be called a handsome man, but of a decided comeliness of appearance. His carriage and manners were dignified, and his action graceful. He was always courteous and agreeable, but not much given to mirth. He was industrious, systematic, and frugal; not greedy of gain, but proud of his independence. He looked upon labor as honorable, and impressed this idea upon his children.

"His greatest happiness seemed to consist in agriculture and husbandry. He was fond of orchards, gave close attention to fruit-trees, and procured all the varieties he could find. In grafting he was very skilful and successful, and some of the trees in his old orchard, grafted by his hand, are still standing. He had a good, sound, strong, native intellect, though his education had been limited, and he had not had much schooling. But he was a good English scholar. His penmanship was remarkable; indeed, I have never met with a handwriting which excelled his. He was also a good draughtsman. He was fond of reading, and spent much of his leisure-time in reading or writing. He did most of the writing for the neighborhood, and whoever had a deed or contract to draw up usually came to him.

"In some respects he was peculiar, considering the customs of his day. He abhorred ardent spirits, never tasted it, and never frequented places where it was drunk. He detested indecent jesting, and no one dared to indulge in it in his presence. He never made nor received visits on Sunday. When he did not go to church on that day he stayed at home, and made his children stay at home and read the Bible. If any of his neighbors called to see him on Sunday, he had a way of his own for disposing of them. He would soon give the conversation such a turn as would make a reference to books opportune, by way of illustration or confirmation of his views. He would then take down a volume of sermons, and read from them some passages bearing on the point. This usually resulted in the departure of the unseasonable visitor. It was a common remark of his that the best way to treat idle visitors, whose visits were without object or profit, was to take a book and read something to them. If they became interested, then the visit was no longer wearisome, but mutually profitable and pleasant; and if not, then becoming the bored, and not the borners, they would take themselves off.

"Though not a member of any church, he was exceedingly exemplary,

moral, and upright in his life, had a high regard for truth, justice, and honor, and was a firm believer in the doctrines of Christianity. His family belonged to that branch of the Presbyterian Church known as the Seceders.

“He commenced life as a school-teacher when he was a little more than fourteen years old, and taught several years before he was married, but never, as I have often heard him say, liked that occupation. He taught, as I remember, more in compliance with the urgent entreaties of his neighbors than in obedience to his own inclination. He loved his home and to be at work; here he ploughed, hoed, reaped, superintended the building of all his houses, laying with his own hands the chimneys of stone or brick. He tanned his own leather, made his own lasts, and all the shoes for the family. He bought little or nothing, and came as near living within himself as any man I ever knew.

“He had a natural genius for almost any kind of handicraft. The trowel he used as well as the best of masons; the saw, the chisel, the adze, and the plane as dexterously as the most expert carpenter. His leather was as good as any I ever saw; and his shoes and boots were equal to any made at this day by our best workmen. Whatever he turned his hand to he did, and did well. This was a maxim with him, which he used to enforce by quoting the lines from Pope:

“Honor and shame from no condition rise:  
Act well your part, there all the honor lies.”

Pope, by the way, was one of his favorite authors. The *Essay on Man* he used to make his higher classes read in school.’”

When Mr. Stephens had at last been induced to speak of his father, he took a deep interest in the subject. On the 17th of the same month, November, “Mr. Giles” received another and much longer letter from “Mr. Finkle.” It will be seen from the extracts given how fondly he was then dwelling upon the memories of his father, and how deep the feelings those memories awakened in his heart. About this time public affairs were in a condition which caused him great depression, and the greater from the fact that he felt that his counsels were of no avail in arresting the progress of events, or the line of policy pursued by the administration at Richmond. Next to a never-failing trust in Providence to make all things, even those that looked most calamitous, contribute to the best ends, he found his chief consolation in reverting to the happier years of his own life and the life of the country. He almost seemed to wish that he could so live in the memory of those times as to delude himself into the fancy that they had never departed or had returned.



"DEAR JEEMS,—Ever since the conversation Boss had with his nephew about his father, he seems to be more taken up with that subject than with anything else. It seems to have opened to him a new vein of thought, and he has talked a great deal about it to me when we were together alone. Some things that he said I shall try to relate as accurately as I can.

"The other day, as we were walking together in the field where the old house used to stand, 'Peter,' said he, 'my father was a wise man. The more I think of him the more deeply I am impressed with the fact, not only in reference to his knowledge of the world and of men, but in all the relations and business of life. And this brings the whole subject we were talking of the other day back to my mind. One of his traits, Peter, was rarely to lose his temper. He very seldom suffered himself to get angry, and when he did, he suppressed all outward show of it. He never quarrelled with his neighbors, nor scolded his servants, children, or scholars. He took great care to give no cause of offence to others.

"A common remark of his own was, 'Haste makes waste.' His rule was to keep constantly going, moderately but regularly, and never to lose any time. He never allowed his oxen or horses to be pushed; rarely himself rode faster than a walk, and he would have punished a child or servant for trotting a horse from the plough, or galloping to or from the mill, even without a load. His rules were rigid, and his discipline strict. Punishment invariably followed their infraction, through negligence or inattention,—punishment sure, but never severe.

"There was nothing about the farm that more provoked him than bad ploughing, whether in breaking up the land or in the cultivation of the crop. He took great pains with his ploughs, seeing that they were properly proportioned, and that the share and coulter were rightly pitched to run easily, both for horse and man. He made his plough-stocks himself, and saw that every part was rightly adjusted. He allowed no loitering or stopping after a start was made for the field. Two hours were allowed for rest and feeding at noon in the summer, less in the other seasons.

"My duty, from childhood, was to attend to the sheep. I had to see that they were up every night, summer and winter. I shall never forget a punishment that I got about the sheep soon after the duty was assigned me. One evening, after a snowy day, I went to call them up, fold them and feed them as usual. I found them all but one. It was almost dark, and the snow was several inches deep on the ground. I called for some time, but the sheep did not come, and I returned, and did not report that one was missing. The next evening the sheep was still missing, and still I made no report. The following morning my father went with me himself to look at the sheep, as was his custom from time to time to go around and see how every one was attending to his duty. He missed the sheep, which was a ewe, and immediately asked how long she had been missing. I told him. "Why had I said nothing of it before?" he sternly asked. I could say nothing, for the true reason of my silence was the fear that I

should be sent out to look for the lost ewe in the dark and snow ; and as I did not tell of it the first night, I held my peace the next day. I had no idea that anything serious had happened to the ewe, but supposed she would come up in a day or two, and that no one but myself would know that she had ever been missing.

“The affair, however, turned out very differently from my expectations. I got a sound chastisement for my carelessness and disobedience ; but the evident anger of my father at my misconduct caused me much severer pain than did the stripes he inflicted. He and I set out to search for the ewe ; and at last we found her dead, with a lamb she had borne lying dead beside her. The whole affair made a deep and lasting impression on my mind, and I do not think I was ever again guilty of a similar piece of negligence. It was not from the fear of the punishment : indeed, looking back, I do not remember that I ever had a whipping in my life that did me any good ; and I certainly was never deterred from doing anything by the fear of one. Perhaps I never deserved one more than I did this ; and I did not feel that I had been wronged by it, which is more than I can say of many that I did get. But such was my reverence and love for my father, and such my trust in his justice and goodness, that I did not think he would act in any matter of this sort from any motive but the sense of duty. But I thought then, and still think, that if he had not whipped me, but had explained the reason of his injunction to me to report any missing sheep at the time, and had gone with me as he did, and we had found the sheep dead in consequence of my neglect, this would have had all the effect upon me that the punishment was intended to produce. For it was a matter of deep and painful thought to me for a long time afterwards, that old “Mottle-face,” as we used to call the ewe, had suffered and died through my neglect. No darkness, cold, or snow could have kept me from hunting her up if I had thought of her being in such a condition.

“My father’s habits as a teacher, and his manner of teaching, I well recollect. He never scolded ; never reprimanded a scholar in a loud voice ; never thumped the head, pulled the ears, or used a ferula, as I have often seen other teachers do. He took great pleasure in the act of teaching, and was unwearied in explaining everything to his scholars, the youngest as well as the oldest. He had no classes, except in spelling and reading, in which exercises he insisted on a clear, full enunciation. He was himself one of the best readers I have ever heard, and he was very particular in making his scholars attend to the pauses, and deliver the passages with the proper emphasis and intonation ; and to instruct them in this he would take the book and show the school how it ought to be read. In this way even the dullest scholar understood what was required of him, and what good reading was. His “cipherers,” as those used to be called who studied arithmetic, and such as were in higher branches, such as surveying, etc., were allowed to study outside the school-house.

“His scholars generally were much attached to him. He was on easy and familiar terms with them without losing their respect; and the smallest boys would approach him with confidence, but never with familiarity. He had one custom I never saw or heard of in any other school. About once a month, on a Friday evening, after the spelling classes had got through their tasks, he had an exercise on ceremony, which the scholars called “learning manners,” though what he called it—if I ever heard him call it anything—I cannot remember. The exercise consisted in going through the usual form of salutation on meeting an acquaintance, and introducing persons to each other, with other variations occasionally introduced. These forms were taught during the week, and the pupils’ proficiency was tested on the occasions I am speaking of. At the appointed hour on the Friday evening, at a given signal, books were laid aside and a recess of a few minutes given. Then all would reassemble and take seats in rows on opposite benches, the boys on one side and the girls—for he taught both sexes—on the other. The boy at the head of the row would rise and walk toward the centre of the room, and the girl at the head of her row would rise and proceed toward the same spot. As they approached, the boy would bow and the girl drop a curtsy,—the established female salutation of those days,—and they would then pass on. At other times they were taught to stop and exchange verbal salutations, and the usual formulas of polite inquiry, after which they retired, and were followed by the next pair. His leading object was to teach ease and becoming confidence of manner, and gracefulness of movement and gesture. He was very particular about a bow; and when a boy was awkward in it, he would go through the motion himself, and show how it ought to be done. These exercises were varied by meetings in an imaginary parlor,—the entrance, introduction, and reception of visitors, with practice in “commonplace chat,” to use his own phrase, suited to the supposed occasion. Then came the ceremony of introductions. The parties in this case would walk from opposite sides of the room in pairs, and upon meeting, after the salutations of the two agreed upon, would commence making known to each other the friends accompanying them; the boy saying, “Allow me, Miss Mary, to present to you my friend Mr. Smith. Mr. Smith, Miss Jones.” Whereupon, after Miss Mary had spoken to Mr. Smith, she would in turn introduce her friends.

“These exercises, trivial as the description may seem, were of great use to raw country boys and girls, removing their awkwardness and consequent shyness, and the painful sense of being at a disadvantage, or the dread of appearing ridiculous; and I have no doubt many or all of them, in after-life, had frequent occasion to be grateful for my father’s lessons in “manners.” They were delighted in by the scholars, especially the large boys and girls, and in the old-field schools some of these were nearly or quite grown. Frequently, when the weather was fine, parents and neighbors would come to the school-house on these Friday evenings to witness

the ceremonies. When such visits were expected, the girls would dress a little smarter than usual, and the boys would fix themselves up at the spring, washing, combing, and giving an ornamental adjustment, popularly called a "roach," to their hair; and the conversation, of surpassing politeness and elegance, was extremely amusing.

"My father was very fond of dramatic exercises in school, and while, as I said before, he was never much given to mirth, meaning by that excessive laughter or joke-telling, yet he was very fond of the humorous in dramatic form. He seldom had public examinations, but almost always had what he called an "exhibition" some time during the year. At these exhibitions speeches were delivered by the boys, pieces of poetry or prose recited, and dialogues or dramatic scenes acted. The speeches of the small boys he wrote himself. They were short, and usually took a humorous turn. The larger boys recited pieces of his selection, among which there was sure to be Pope's "Universal Prayer," which was a great favorite with him. My brother Aaron had this assigned to him on one occasion, when a short piece of poetry called "The Cuckoo"—I forget the author—fell to my lot. I also recited a piece on Charity, by Blair, and took parts in several plays.

"These exhibitions were numerous attended,—surprisingly so, under the circumstances. At one I think there were at least three thousand persons, and the crowd was like that of a camp-meeting, the spectators having assembled from a circuit of many miles: indeed, the exhibition was a great gala-day, not only for the school, but for all the surrounding country. A stage was constructed at the end of the school-house, and dressing-rooms, as I may call them, partitioned off by curtains. The green-room was in the school-room, and was entered through a window behind the curtain. The scenes for action were selected with a good deal of taste. None were chosen from tragedy proper, or from farce, but chosen with an eye to improve manners and morals. Some of the dialogues of this kind he wrote himself. He devoted great care to the rehearsals, showing each performer how his part should be recited and acted. His versatility of talent in this line was surprising, and the scholars used to enjoy the rehearsals quite as heartily as the spectators did the performance. In this, as in everything else, he carried out his principle that whatever was to be done ought to be well done. Half-way modes of doing things, make-shifts and failures, were an abomination in his sight.

"His scholars had a strong attachment for him, and those who had once been his pupils seemed to feel as deep regard and respect for him as for their own parents. This feeling, I have found, adhered to them through life. Whenever in my travels I have fallen in with any of my father's old scholars, their hearts seemed to warm into a glow towards me. He talked to them, counselled them, instilled into them principles of sobriety, morality, industry, energy, and honor. Cheating, lying, and everything mean or dishonest he held up to scorn and abhorrence. He was, so far as

I know, the only old-field teacher of those days on whom the boys never played the prank of "turning out." They had probably too much respect and regard for him.

"In early life he was very healthy and robust, and unusually strong for one of his size, as I have often heard him say. He never met one of his own weight whom he could not out-jump. Wrestling had been a favorite amusement with him in his youth; but in after-life he never allowed his children, scholars, or servants to engage in it. His reason for this prohibition grew out of an incident of his life which he sometimes related with much feeling. When he first grew up, Sherod Young, a friend of his of about the same age, and his equal in strength, to whom he was much attached, and with whom he had had many a wrestling-bout without any very decided advantage on either side, proposed to him that they should go out alone, and by one final trial determine which was the better of the two. For a long time neither had much the advantage, until at last Young by some movement lost his footing, and my father threw him a heavy fall, and fell himself upon him. For some time he lay insensible, and apparently dead. No one was present to help. My father used every effort to revive him, but in vain, until finally he gave up in despair, believing him dead. Life, however, at last returned; but it was long before he entirely recovered from the effects of the fall. From that day my father never again wrestled with any one, nor would he allow it to take place wherever he could prevent it.

"But in later years, and as far back as my earliest recollection of him, he suffered from some affection of the spine, and could not lift anything of much weight, nor stoop without pain. He suffered also much from ear-ache, of a rheumatic or neuralgic character, and I have known him tormented for many sleepless nights in succession with this painful malady. He often expressed the opinion that he would not live to old age. In speaking of death he used to express a strong desire to retain his consciousness to the last. "I should like to meet him" [Death], he would say, "in my right mind." This, however, was not the case with him. He died of pneumonia, or, as it was then called, influenza. He was confined to his bed nine or ten days, but was not thought to be dangerously ill until the day before he died. About twenty-four hours before he died he became delirious, then fell into a stupor, after which he recognized nothing. The evening on which he was first taken, he told all the family that he thought he should die, though he was not suffering much pain. He had all the children and servants called into his bedroom, where my step-mother was lying ill herself, and told them what he thought would be the issue of the disease. Several days passed, and no bad symptom had made its appearance. The Thursday before he died—which happened on Sunday—he sent for my first teacher, Nathaniel Day, to draw up his will. This was done, and he seemed cheerful enough. On that night, or the next, I now forget which, I was in the room alone with him for a while, and he told

me he was going to die, and gave me a long talk and much advice, speaking with a great deal of feeling. I then had no idea that he was really going to die. I was deeply impressed by what he said, but the fact or even the probability of his dying I could not realize. When I saw him breathe his last it came near killing me. It seemed as if I *could* not live. Never was human anguish greater than that which I felt upon the death of my father. He was the object of my love, my admiration, my reverence. It seemed to me impossible that I could live without him; and the whole world for me was filled with the blackness of despair. His whole life, from the time of my earliest recollection, was engraven upon my memory; his actions, his conversations, his admonitions, his counsels, were before me by day and by night for many a month afterwards. Whenever I was about to do something that I had never done before, the first thought that occurred to me was, What would my father think of this? Sometimes I indulged the fancy that perhaps his spirit was watching over me, and that he saw what I was doing and even knew my thoughts; and this fancy was soothing and pleasing to me. I sometimes dreamed of him, and always awoke from such dreams weeping, for in them I could never have such intercourse with him as I longed for. There was nothing in them life-like, nothing real; all was shadowy, and he was dead! The *inanis imago* was all that I could see.

“But the principles and precepts he taught me have been my guiding-star through life. Nothing could have induced me to do anything which I thought he would have disapproved if he had been alive. My strongest desire was to do in all things what I thought would have pleased him. Even now the thought often occurs to me: I wonder what my father thinks of this? But the thought brings sad memories to life and awakens anew the old sorrow!”

From this letter it can be seen how his heart was wrung at that first great darkening of his young life, and how deep was that affection for a father, which, after a lapse of fifty eventful years, can still cause the tears of sad remembrance to flow from the eyes of the man who has endured so many other sorrows and borne so many burdens of other cares. In the journal, to which allusion has before been made, he thus speaks of himself, on the occasion of his father's death:

“I was young, without experience, knew nothing of men or their dealings, and when I stood by his bedside and saw him breathe his last, and with that last breath my last hope expired, such a flood of grief rushed into my heart as almost burst it. No language can tell the deep anguish that filled a heart so young; the earth, grass, trees, sky, everything looked dreary; life seemed not worth living, and I longed to take my peaceful sleep by my father's side.”

## CHAPTER IV.

Death of Mrs. Stephens, and Dispersion of the Family—Sunday-School—Rapid Progress—Removal to his Uncle's—O'Cavanaugh—Becomes a Hero in a Small Way—Leaves School—A Turning-point in his Life—Mr. Mills—A Generous Offer—Goes to the Academy at Washington, Georgia—An Imperfect Understanding—Mr. A. H. Webster—Adopts the Name of Hamilton—Mr. A. L. Alexander.

ONE week after the death of the father, the same disease carried off the mother. The little family had then to be scattered. The surviving children of the first marriage, Aaron and Alexander, were taken to the house of their uncle, the late General, then Colonel, Aaron W. Grier, of Warren County, who became their guardian. The surviving children of the second marriage, John L., Catherine B., and Linton, found homes with their mother's relations.

At this point it becomes necessary for the biographer to revert to an earlier period of Alexander Stephens's life, and state a circumstance which had an important influence upon his fortunes. It has been mentioned that his last schooling was in 1823. In 1824, however, and while he was one of the regular working hands on the farm, he became a member of a Sunday-school class at the Powder Creek meeting-house. And here we must again call to our aid the correspondence of Messrs. Giles and Finkle. In May, 1863, the former propounded certain questions to the latter touching this part of his patron's life, to which a reply was soon received. After some rather extended preliminary remarks, the point of inquiry is led up to by the following reflections :

"In thinking of the events of my past life, I am often impressed with one fact, and that is the perfect unconsciousness, at the time, of the important bearing upon after-life that little incidents have, which, at the time of their occurrence, were almost unnoticed. In the lives of all persons there are turning-points, changes of studies, business, pursuits, habits,

ideas,—indeed, changes of all kinds. These changes or turning-points, as I call them, form epochs in every one's life. To illustrate: One of the first epochs in my life that I remember was my dropping the 'slips,' as we called them then,—a sort of frock such as girls wear,—and putting on breeches. This was a momentous event with me, changing my ideas, giving me entirely new notions of myself, hitherto undreamed of. Starting to school was another great epoch with me. New fields of perception and reflection were opened before me, and new scenes presented. It was in truth my first entrance—first step upon the stage of life. But I no more thought of this the morning my father gave me the beautiful new spelling-book, with its rich blue cover, and told me to go to school and be a good boy, than I thought, several years afterwards, that I was turning another point in my life when, one Sunday morning, he started me with a Bible to Sunday-school at Powder Creek meeting-house. These things, when they occurred, seemed just like any other ordinary daily events; yet, in looking back upon them, I see that they and many similar ones which I have in my mind were far otherwise.

"That start to the Sunday-school was an epoch in my life. It was then that I first took a taste for reading. It was in the summer of 1824: I was a little over twelve years of age. All my reading had been limited to the spelling-book and New Testament. At this Sunday-school we had the Sunday-school Union question-book, which was a new thing in the country at that time. The school was organized by Garland Wingfield, a class-leader in the Methodist Society at Powder Creek. He was the superintendent. There were perhaps thirty scholars, divided into four or five classes. I was put into a class beginning with Genesis, a part of the Bible that I had never read before, and I soon became deeply interested in the narrative. It was no task for me to get the lesson, though I had no other time to do it but on Sunday mornings and evenings, or at night, by the light of a pine-knot fire.

"When I reached the history of Joseph, I did not stop with the lesson, but went on for chapter after chapter. I was permitted to recite all I had learned, and this carried me out of my class. I soon went through Exodus and the other Mosaic books, often sitting up till midnight, reading with intensest interest by the light of the blazing pine-knots, the only light in our house for readers in those days. My step-mother had a candle in her room, by which she sewed, patched, darned, and performed other similar domestic tasks. But by the fire I read often long after the whole household were asleep, and that after a hard day's work. I never missed a question; and my rapid progress was surprising to the teachers and the whole school. I improved also in my reading, of which at first I made but a halting, stammering, spelling-out business. I soon went through the Old Testament,—in fact, long before the class with which I had started got through Genesis. In the early fall I was taken sick with chills, and had to stay from school, and in the winter the school closed.



"My entrance into this school had a considerable effect upon my fortunes. It gave me a taste for reading, for history, for chronology. In a religious point of view, I do not know that any decided impression was made upon my mind. Perhaps my moral principles were confirmed,—nothing more. But it gave me reputation. My rapid progress was noted and much talked about; but I assure you this talk did not elevate me in my own estimation at all. I believe, however, it may have given me some confidence in myself. Before this I was very timid and self-distrustful, bashful, and afraid to say what I knew, lest I should make some mistake.

"After the death of my father, which was by far the most important epoch in my life to the present day, for upon it turned the whole current of my existence, I went to live with my uncle, Aaron W. Grier, near Raytown. My father died on the 7th of May, 1826, and my step-mother on the 14th, after which the family was separated. In the fall of the same year, a Presbyterian minister, Williams by name, a missionary under the Georgia Board, came to Raytown to preach, and, among other things, proposed to establish a Sunday-school for the children of the neighborhood upon the Union plan. My aunt, my uncle Grier's sister, who lived with him (he was then unmarried), was a member of the Presbyterian Church. She was a woman of unusually strong mind, and was what in those days might have been called well read. She had a good library, and had made good use of it. My grandfather Grier had several hundred volumes, the largest library in all that part of the country, and, according to my recollection, it contained many very rare and choice works. These books were left to my uncle Aaron and his sister. My aunt was, as I said, a Presbyterian, and Mr. Williams, of course, called to see her, and I became acquainted with him. He spoke of his plans about the Sunday-school. I was familiar with everything connected with that subject, and was delighted with the idea of seeing one started in the neighborhood. It was to be at South Liberty meeting-house, near Raytown. This meeting-house belonged to no denomination, but was built by the people for the use of all Christian sects, without distinction. I took Mr. Williams round to see the neighbors about sending their children to school, and our acquaintance, thus formed, afterwards grew into an intimacy, or at least a relation approaching as nearly to an intimacy as could be expected between a man of his age and a boy under fifteen. The school was started, with Mr. Charles C. Mills, a Presbyterian elder, as superintendent. I entered as a scholar, but was soon made a teacher. My proficiency in Bible studies, as well as my general deportment, impressed both Mr. Williams and Mr. Mills favorably, from which circumstance results followed which gave another turn to the current of my life."

Then follows an account of the manner in which this acquaintance with Mr. Mills had an influence upon the career of Mr.

Stephens, which we postpone, as it would anticipate the account of his school-life while living with his uncle Grier.

In the summer of this year, 1826, Alexander and his brother were entered at a school established by the Roman Catholics at a place known as Locust Grove. Their attendance was but for a single quarter, and very irregular at that, as they were often required to stay at home and help in the work of the farm. Their teacher here was one O'Cavanaugh, an Irishman.

"I came near," Mr. Stephens says, in the Finkle correspondence, "having a row with O'Cavanaugh the first week I went to him. It was one Friday evening. It was his custom to exercise the scholars in spelling 'by heart' every evening. The lesson for that evening was in the old Webster spelling-book, and in that part where the names of countries are given. The word that came to me was 'Arabia.' He pronounced it with his peculiar brogue in a way that I had never heard, and I had not the slightest conception of what he said. He placed the accent on the first syllable, instead of the second, and gave the A the sound of Ah, instead of that in 'fate,' as I had always been taught. Not knowing what he meant, I simply said, 'I can't spell it, sir.' He replied, 'You confounded little rascal! You tell me you can't spell the word? Spell it, sir! *Ah'-rabia!*' I was standing by the door, looking down at the time, with shame at the idea of missing a word,—a thing most unusual with me in spelling,—and as my eyes rose to his, they glanced at some stones lying close to the door-sill. His words drove all shame out of me, and aroused within me a spirit of bold defiance. I had made up my mind, after my father's death, never to let any man lay violent hands on me with impunity. As my eyes met his, I said, 'Mr. O'Cavanaugh, I did not understand you, and I don't understand you now. I can spell every word in the lesson if it is pronounced as I pronounce it. But I thought it better to tell you that I could not spell the word as you gave it out than to say I did not understand you. It was bad enough for me to miss the word as I did; but, sir, you shall not speak to me in that way.'

"In an instant the whole school was still, all gazing at O'Cavanaugh and me, while we stood looking steadily at each other. He seemed to be struck with as much amazement as his scholars. At one moment I thought he was going to bring his switch, which he was holding in his hand, down upon me; and my determination was, if he did, to let him have one of the stones lying at the door-sill. But I saw a change pass like a shadow over his countenance, and his eye turned from me as he said, 'The next.' No other word came to me. The class was dismissed, and with it the school.

"This was another epoch in my life. It was the first time I had ever faced a man as his equal. From that time my character was set. It was also established in the estimation of that school. Up to that time I was

looked upon as a sort of poor, pitiful orphan boy, whom most treated with passing kindness from mere feelings of sympathy. It was known that my father and step-mother had just died, and my whole bearing was that of one in deep grief. But on that evening the big boys, Bob Wheeler, Russell Flewellen, and others, who boarded at William Luckett's, right on my road home, walked with my brother and myself, a thing they had never done before, and talked of nothing else but my adventure. They said that they had expected to see O'Cavanaugh flay me alive, and evinced great astonishment at the spirit I had shown. From that day they looked upon me in an altogether different light from what they had done before.

"Now it so happened that on the next Monday my brother and I were kept at home to help in harvesting the wheat, and we were engaged at it all the week. On the following Saturday, O'Cavanaugh came to Uncle Grier's, as we learned when we went to dinner, to see about our absence. He thought we had quitted school on account of what had occurred between him and me, to which he made some reference, never doubting that we had told our own story. All this was new to Uncle Grier, for neither my brother nor I had said a word about it at home. Uncle told him we had stayed at home to help to harvest the wheat, but would be at school again on the following Monday, an announcement at which he seemed much gratified. So on Monday we went back, and never a cross word passed between O'Cavanaugh and myself from that time during the whole three months that I went to him. Indeed, he seemed rather to take a fancy to me. I was, if anything, too studious, and learned too fast. He always addressed me in the mildest and most friendly manner. He, too, boarded at Luckett's, and sometimes he would walk and talk with us on the way. I really got to like him very much."

In the following year, 1827, his uncle, Aaron W. Grier, married. He had made an arrangement at the close of the preceding year with Aaron, Alexander's brother, by which he, instead of going to school, should stay upon his uncle's farm and receive compensation for his services. The same offer was made to Alexander, but he begged to be allowed to continue at school. "My object was," he explains in the correspondence, "to get sufficient education to become a merchant's clerk, as I did not believe I should ever be physically able to make a living by farm-work, and after saving some money, to pursue my studies further, if I could."

His request was granted, and he returned to the Locust Grove Academy early in 1827. But the administration had changed: O'Cavanaugh had retired and been succeeded by a Mr. Welch, his assistant in the previous year, and Alexander soon grew to

like the new master even better than he had grown to like the old.

"He was always kind to me, and indeed was never a tyrant to any one. His discipline was altogether different from that of O'Cavanaugh. With him I studied arithmetic. I also read, and exercised daily in writing; but arithmetic was the main study. During the three months of the previous year I had taken up this study where I had left it off in my former schooling, that is, at the Single Rule of Three, and had had exercises in reading, writing, and spelling. But in 1827 I commenced at the beginning of the old *Federal Calculator*, reviewed all the first rules, and went regularly through the book, writing out a careful transcript of every problem or sum. At the end of the term in June I was through, and was master of the book."

At the close of this term, Alexander concluded to quit school and seek a clerk's place, if such a situation could be found. But it was a sad day to him when he left the school.

"I well remember," he says, "my feelings the last evening I was at that school. I remember how I gathered up all my things,—books, papers, slate-pencils, and ink,—put some in my basket and some under my arm, and then bade all good-bye. I reflected, as I walked along the path homeward, that this was the last time I should ever tread its beaten track, and the last day I should ever go to school. Life, I thought, was just then beginning to open before me. The next week I was to go to Crawfordville, to seek employment in a store."

Allusion is made to this afternoon in his private journal, before referred to, which was begun in 1836. The loss of a father so much loved and honored, and the sudden breaking-up of the family, which followed, had induced habits of unusual seriousness and even melancholy in both these brothers. Speaking of their school-days, in 1826, he says in his journal:

"We were reserved, mixed but little with the other scholars, and applied ourselves closely to our studies."

Again:

"In 1827 my mind had not yet lost its serious cast, which, at this time, was becoming somewhat religious. I never had been vicious or openly wicked; but at this time I began to reflect seriously upon the subject of my moral condition and the principles of Christianity, and my very long lonely walks to and from school were not unfavorable to such meditations."

Further on, when speaking of the close of the summer term of 1827, he says :

"I then thought it would be an improvident waste of money to continue at school longer unless I had means to commence a regular course of study preparatory to some profession ; but this being out of the question, I quitted school with the thought that I had now finished my education. . . . My intention then was to get into some business as a clerk, to make money if I could, and if fortune favored me, afterwards to resume my studies ; for I had already caught a thirst for knowledge which nothing but the want of a little money prevented me from satisfying. I spent a few days at home, unemployed, and it was during that short period that the scale of my fortunes turned, whether for the better or worse I cannot tell. But what to me afterward has appeared passing strange is that I then knew it not. Those days came and passed like others, nor did their events seem to involve unusual consequences ; yet unimportant as they seemed, their results gave a stamp to my character and a new direction to my life."

This turn of the scale is told at length in "Mr. Finkle's" letter last referred to. He says :

"But now it happened that on the Sunday following I went to the South Liberty Sunday-school, which I still occasionally attended, though not regularly. When I went I usually took charge of a class. On that day Mr. Mills, the superintendent, inquired how I was coming on in my studies at the academy. I told him that I had finished ; my term was out, and I was not going any more. He asked further what I was going to do, and I told him fully my views and intentions. He undertook to dissuade me from them, and asked how I would like to go to Washington and study Latin, to which I answered that I would like it very well if I had the means, but I had not. He then proposed, if I was willing, to send me there. A Mr. Webster, a Presbyterian minister, whom I knew well by reputation, was teaching in the academy at Washington, and to him he proposed to send me, if I was willing to go.

"Here was a posing question for me. I said that I could not answer him then, but would consult my uncle and aunt and let him know my decision. The consultation was held. My uncle had but little to say one way or the other, leaving me to do as I pleased. My aunt was warmly in favor of my accepting Mr. Mills's proposition, arguing that the more thorough the education I received the better would I be able to repay him, etc. His offer was a kind and generous one, and highly complimentary to me, and I ought by all means to accept it frankly and freely. This was the general tenor of her advice. Mr. Mills, I should have stated, was a gentleman of large means for that day and section of country.

"The conclusion of the matter was that I accepted the offer. My clothes were got ready, and some new ones made by my aunt, whose whole soul seemed to be intent upon getting me off.

"So, on the 28th of July, not much more than a month from the time I had left school, as I thought forever, I started off for Washington to enter upon a new career of study,—a five years' course.

"So that day I went to the Sunday-school after I had left the Locust Grove Academy was, though I little dreamed it at the time, another turning-point in my life. And this, as well as the subsequent events to which it gave rise, was intimately connected with my first Sunday-school at Powder Creek. But for that I should probably never have been connected with the South Liberty school, should not have been brought under the notice of Mr. Williams and Mr. Mills as I was, and nothing of all this would have happened. So intricately are woven the web-threads of our lives.

"I went to Washington, as I have said, on the 28th of July, 1827. Mr. Mills carried me in his buggy. He had arranged for my boarding with Mr. Webster, an arrangement that I liked, and when we arrived I found this gentleman and his family—he had quite a number of boarders—expecting me. He remarked, 'This is the little boy I have heard Mr. Williams speak about so much,' and was very agreeable and kind in his reception, as was also his wife.

"On my entrance I was immediately put in the Latin Grammar (Adams's), and on the 18th of August I commenced reading Latin in *Historiæ Sacræ*, being put into a class that had been studying Latin all the year. Here my Bible-studies stood me in good stead; I was familiar with the whole history, had soon no difficulty in reading, and before long was at the head of the class. When the quarter closed with September I had finished *Historiæ Sacræ*, and I began on *Cæsar* with the new quarter."

Alexander had not at first understood all the reasons which had actuated Mr. Mills in making him this generous offer. From motives of prudence, and doubtless of delicacy, one of these reasons was withheld. So he attributed the conduct of his benefactor solely to disinterested kindness toward himself in his orphaned condition. Doubtless this feeling had much to do in influencing the action of this excellent gentleman; but there was another motive which became apparent afterwards, and probably soon enough, though the recipient of the kindness then regretted that it had not been disclosed earlier. But the regret arose chiefly from finding that not having known fully all the circumstances, he had not really been so free to act and to decide as he had supposed. This regret could not, in a

boy of fifteen, take a sufficiently definite shape to allow him to decide satisfactorily to his conscience, his reason, and his feelings, whether he ought then to draw back or to continue; but even then he was not so young as not to feel much embarrassment when the revelation was made. This, however, had been anticipated, and was met by assurances which induced him to persevere in the pursuit of education.

The additional motive of Mr. Mills in making Alexander this offer was this: The boy had greatly impressed both him and Mr. Williams, the founder of the Sunday-school. His extremely frail physical organization, his delicate health, the loss of his parents, and his poverty, had produced a frame of mind of habitual melancholy, which, associated with his constant Bible-reading, had induced these gentlemen to see in him the subject of religious conviction. Such a mistake was most natural under the circumstances, and was strengthened by the youth's irreproachable morality, and the interest which he took in Sunday-school education. Nor was it altogether a mistake, for his mind, as we have seen and shall see further hereafter, had been led by his many griefs to turn to religious meditation, as was natural in a youth of fifteen, in his deep sense of bereavement and loneliness, and with the early teachings he had received. From early childhood he had been deeply impressed with the principles of Christianity, and his mind now rendered doubly receptive of such impressions by his mental and bodily sufferings, his habits of solitude, the influence of the religious character of his aunt, his own yearnings over the past, while looking forward to a dreary future,—these causes and such as these might well be mistaken by himself and others as promise of another vocation and career than that which he afterwards chose. And when this career was proposed for him, it is not surprising that he was not capable of deciding for himself what was his real duty, and that he yielded to the counsels of the only friends whom he had to advise with. "And thus," he wrote years afterwards in his journal,—*"and thus my destinies rolled."* Words which well characterize actions which, in the years of his manhood, seemed on looking back to have been done without any volition on his part, as if he had been passive in the

hands of a destiny whose aims he could as little understand as he could control.

So misled, or partially misled, by these appearances and the interpretation he had put upon them, Mr. Mills and friends with whom he had spoken of the matter had come to the conclusion that they saw in Alexander Stephens one especially marked out by character, intellect, and deep religious feeling for the calling of a minister of the gospel, and they had therefore determined to place within his reach the means of obtaining the necessary preparation.

In the journal, as well as in the letter last quoted from, he refers to the time and occasion when this disclosure of his friends' views was made to him.

"When Mr. Mills," says the letter, "made the offer to me to go to the academy, I thought it was entirely of his own accord. But when I had been with Mr. Webster for some weeks, and he had apparently become well pleased with me,—for he had talked with me a great deal, particularly about religion, and had even expressed an opinion of my piety,—he told me that Mr. Mills had made the offer at his instance. He had heard the former speak a great deal about me, and he had induced him to get me, if he could, to join his school in order that he might grow better acquainted with me, and if he should then be satisfied that the representations made to him about me were correct, he wished to have me educated for the ministry. He added that I had fully come up to all that he had heard of me, and he urged upon me the importance of fitting myself for the ministry, explaining that there was a society, the Georgia Educational Society, formed for the purpose of educating young men for the ministry of the Presbyterian Church.

"This explanation of Mr. Webster presented a new view to me, and one by which I was painfully embarrassed. From very early in life I was strongly impressed with religious feeling; and after the death of my father this subject took deep hold of me. During the summer of 1827 I made profession of faith, though I had not connected myself with any church until I went to Washington; but whether I should be fit to preach, or should feel it my duty to do so, when I grew up, I could not know. I could give him no answer until I should have consulted my aunt, who was my Mentor.

"So the subject was left open between us until the end of the quarter at the close of September, when Mr. Webster accompanied me home to my uncle's to see my aunt for himself. The result of the consultation was that I should continue my studies and go to college under the auspices of the Georgia Educational Society, and if, after graduation, I should not



feel it my duty to preach the gospel, there would be no violation of good faith on my part. As for the money expended on my education, I should in that event refund it, whenever, or if ever, I was able to do so. With this understanding I returned."

For this excellent man, Mr. Webster, Alexander Stephens conceived a strong attachment. How much of his yielding to his suggestions was attributable to the kindness and the confidence that had been bestowed upon him, the first that he had received from any source beyond the circle of his relations, he did not then know, nor could he say now. But they awoke in him admiration, gratitude, and love, which in themselves were blessings to him. He had noticed upon the Latin grammar his teacher had given him, and which was one the latter had himself used, the owner's name written in full, Alexander Hamilton Webster. It gave him a feeling of joy that his benefactor's name was in part the same as his own, and his affection prompted him to increase the similarity. From this time he has always written his full name, Alexander Hamilton Stephens.

Before another month was over this kind friend was no more. In October he was attacked by a fever which proved fatal. And now, in addition to the grief which he felt at the loss of one who had shown him so much kindness, Alexander was saddened by the prospect that his own career would probably undergo another change. But there were others who knew of Mr. Webster's plans, and after his death, while the youth was meditating over this new affliction, and the changes it was likely to bring to him, Mr. Adam L. Alexander, a citizen of Washington, a leading member of the Presbyterian Church, and an intimate personal friend of Mr. Webster, came to him saying that he knew all about his late friend's interest in his behalf, and his wishes, and that he desired them to be carried out. He invited Alexander to come to his house while continuing his studies at the school. The Hon. Duncan G. Campbell (father of Justice John A. Campbell, late of the United States Supreme Court), Mr. Andrew G. Semmes, Sr., Dr. Gilbert Hay, and William Dearing, all elders in the Church, urged the same. The academy was to be continued under the charge of Mr. Magruder, who had been Mr. Webster's assistant.

Thus kindly urged, young Stephens yielded to their solicitations. He became at once an inmate of Mr. Alexander's household, where he continued until April of the following year. From that time until the end of the term he boarded partly with Dr. Gilbert Hay and partly with Mr. William Dearing. He learned Latin, Greek, and the other preparatory studies with such rapidity that he was soon pronounced by his teacher to be ready for the Freshman class in the State University.

Returning to his uncle's at the close of the term, he was fitted out, and in the latter part of July went back to Washington to be sent to Athens. It had been arranged that he should be taken to the university by Mr. Campbell, but this gentleman was seized with fever and died within a week. The youth, thus deprived of another friend, was sent to Athens in company with a son of Mr. Semmes. They arrived the Saturday before commencement, the applicant was admitted without difficulty, and thus entered upon a new era in his career.

## CHAPTER V.

Goes to the University—Expects to enter the Ministry—Happy Days—A Piece of rare Good Luck—Diligence in Study—Social Enjoyments—One Shadow—A Silent Struggle and a Final Resolution—A Debt discharged.

THE president of the university at that time was the Rev. Moses Waddell, D.D., and the Rev. Alonzo Church—afterwards Dr. Church, and successor to President Waddell—was one of the professors. Notwithstanding the embarrassment which might arise from the mention of the terms on which Mr. Stephens had gone there, he resolved to explain them, in order that his position might be as fully understood by the faculty as it had been by Mr. Webster. Here again he found that the acquaintance with his condition had preceded him. In the letter referring to this time occurs the following passage :

“I had a letter to Dr. Waddell. He knew all about the circumstances of my going, and gave me a long talk. I was as frank with him as I had been with Mr. Webster. At that time it was my inclination and expectation to enter the ministry ; but my views might change. All that, he said, was well understood. The object of the society was to afford means of education to those who were thought to be pious, and who would be suited to the ministry ; but that it was entirely optional with those thus aided to pursue the study of divinity or not when the proper time should come.”

Dr. Church had known Mr. Webster,—had, indeed, been a warm personal friend of his. He proposed to young Stephens to board in his family ; a proposition which was accepted, and here he remained until his graduation.

It was always a pleasure to Mr. Stephens in after-life to recur to his college-days as the happiest time he had ever known. But to get as full an account of this period as possible, “Mr. Giles” procured a re-opening of the Finkle correspondence, which had been suspended during the summer on account of Mr. Stephens’s residence in Richmond, and the occupation of

his time with public matters. In the beginning of September "Mr. Giles" addressed a note to his correspondent, asking him, if possible, to lead his patron into a conversation about his college-days, and send him a report of it. This letter remained unanswered for about six weeks, though the writer, growing impatient, sent many oral messages to his friend, complaining of his tardiness. At last, on October 13th (1863), the long-delayed answer arrived, bearing date the previous day. It began (of course in the character of Finkle) in rather a jocular tone, as will be seen by the extracts. After some prefatory remarks on the difficulty the writer has had in bringing "Boss" to the subject of inquiry, it continues:

"Last night, however, he and I were together in his room. It was late, and all were asleep but ourselves. Tim and Anthony were snoring; Binks\* was asleep on his rug, and Troup† was barking in the yard. Boss had laid down his pen after answering the last letter on the table, and looking at me, said, 'Peter, it is bedtime, isn't it?' I thought, from all the indications, that it was the most favorable time that had offered yet to mention the subject of your letter; for, though it was late, I saw that he was not sleepy, and he had been talking very freely with the 'Squire‡ and the Parson§ before they went to bed, and he had been joking the 'Squire a little, and so forth. So I said, 'Boss, here is a letter I had from Giles some time ago: suppose you look at it before you go to bed.' Upon this, he took the letter and read it."

Here follow some remarks on Mr. Giles's spelling, and on spelling in general, which we omit; after which "Boss" comes to the request contained in the letter.

"I cannot give either you or any one a full or exact idea of my college-days. They were by far the happiest days of my life. In memory they seem more like a dream than a remembered reality. The sudden change of my feelings after I left college and went out into the world was like the change wrought in tender and luxuriant vegetation by a severe and sudden frost. The very soul of my life seemed nipped and killed. All my days at college were pleasant. Not a word of censure, or even of

\* "Sir Bingo Binks," a pet dog.

† The yard-dog.

‡ This was the usual appellation given by the country people to the Hon. George F. Bristow, of that village, a distinguished lawyer and intimate friend of Mr. Stephens.

§ Mr. O'Neal.

reproof, was ever addressed to me by professor or tutor. I was on good terms with them all, and indeed seemed to be a favorite with all, from the president down. Dr. Waddell, the president, seemed to be favorably impressed toward me from the day of my admission. He examined me on that occasion.

“And, by the by, on that occasion I happened to meet with a rare piece of good luck,—the rarest, I have often thought, of my life. Some persons are distinguished for good luck, or what is called luck: I never was. The instance I refer to was the most important, or at least the most memorable, of my life. When I went up to college, I went alone, and arrived the night before commencement. Next day, the candidates for admission were to be examined in the chapel at ten o’clock. So ran the programme. I knew of no other way of proceeding but to go to the place stated at the hour specified. Perhaps if I had asked Professor Church or Dr. Waddell (to both of whom I had letters), either would have advised me not to go there, but to be examined privately. But being green, I asked no questions, but went, taking my Virgil and Greek Testament, the books my teacher in Washington had told me I should be examined in. At school I had read Cæsar, Virgil, and Cicero’s orations against Catiline. These, I had been told, were all that would be required, but that I should be examined on Virgil. I had reviewed nothing—not a line—while I was at school; but while at home I had reviewed Virgil thoroughly, or at least so much as I had read at school. I had not looked into my Cicero.

“When I went into the chapel, I found a large class seated for examination. They were nearly all from what was then known as the grammar-school connected with the college, under the direction of Mr. Moses Dobbins. I took my seat at the foot of the class, feeling foolish enough, and looking, I suspect, just as foolish as I felt. I counted the squad; there were twenty-six of us in all. The faculty were all present. Professor Church, I thought, showed some surprise at seeing me enter and take my seat with the candidates, but he said nothing. Dr. Waddell presently began the examination, and to my horror he set off with Cicero,—the first oration in the book, and one I had never read a line in. What was I to do? Despair seized me. I thought I was ruined. I should be rejected! I was in agony. I borrowed a Cicero from one of the boys, and looked over the oration to see if I could read any part of it; but the attempt was very far from satisfactory. I had a thought of getting up and leaving the room, but I reflected that that would never do; so I concluded to stand my ground, and when they should come to me to tell them frankly I had read but the four orations against Catiline, and had not reviewed any of them, as I had expected to be examined in Virgil.

“While I was in this state of anxiety the examination progressed. Soon I found them in the second oration; soon after in the third. Then hope began to spring up. I thought may-be they will reach the orations against Catiline before my turn comes. Sure enough, the first oration

against Catiline was reached, and several were still before me. My hopes began to brighten. I thought that by a little reflection I could make out to read my portion of these quite as well as I saw the other boys getting on with theirs. But the first oration was passed; then the second; then the third; and the fourth was reached before my turn came. Just at this moment my luck or my guardian angel came to my relief.

"Next!" said Dr. Waddell, in his deep guttural tone. I rose, trembling from head to foot. "On the next page, beginning with the words, *Video duas adhuc*," said he. I turned to the paragraph, and in it recognized the only part of either of the orations I had read at school that I remembered perfectly. I had been very much struck and impressed with it when I had read it. It is where Cicero refers to the two opinions as to what should be done with the conspirators: that of Cato, who thought they should be executed; and that of Cæsar, who opposed this sentence, contending that the gods alone should take life. I was deeply interested with these views on reading them, as it was the first time I had ever heard the right of capital punishment called in question; and I perfectly understood every word of the paragraph.

"I was reassured and collected in a moment, and read clearly, and without stop or hesitation, down to "*appetiverunt*." All eyes were upon me in an instant. The old doctor pushed up his spectacles to see who it was. "Parse *vita*," says he. This I did without a moment's hesitation; putting it in the ablative, governing it by "*frui*," and giving the rule: "*utor, abutor, fruor, fungor, potior, and vescor* govern the ablative." "Parse *punctum*," said he. This I did, putting it in the accusative, and giving the rule: "time how long is put in the accusative." I learned afterwards that these two rules were pets with the old doctor, and that a boy who showed acquaintance with them always made a good impression upon him. He put no further question to me that I recollect. He said that I had read very well, or something of that import, which he had not said to any of the others, and I felt relieved. In the afternoon I was again fortunate in getting a verse in the Greek Testament that I knew perfectly. But getting that paragraph in Cicero I have always considered the greatest piece of luck of my life. Had it been any other part but just that, I should not have come off so well. The impression made on Dr. Waddell lasted as long as I remained there.

"When I went home to dinner with Dr. Church, he asked me with a smile if I had been scared. I said yes; and told him just how the matter stood with me, and that I had not expected to be examined in Cicero. But, to the best of my remembrance, Peter, I did not tell him that I happened to get the only passage in the book that I could read in that style.

"During the four years that I spent at college, I was never absent from roll-call without a good excuse; was never fined; and, to the best of my belief, never had a demerit mark against me in college or in the society—the *Phi Kappa*—to which I belonged. No one in my class, at

any examination, ever got a better circular than I did. While I was on good terms with the faculty, I was on quite as good with the boys. I did not have a quarrel while I was there; and if there was one who disliked me, I did not know it. My room, from first to last, was the resort for a large number, more so than that of any other boy in my class. I enjoyed company very much. In my rooms we talked, laughed, told stories, and indulged in fun and good humor more than in any room in college. But there was never any dissipation in it: neither liquor nor cards were ever introduced; nor were indecent stories or jests ever allowed. My intimates and associates were a strange compound. Boys met there who never met nor recognized each other elsewhere; the most dissipated young men in college would come to my room, and there meet the most ascetically pious.

“I was always liberal in my boyish entertainments. I “treated” as much in the way of fruit, melons, and other nicknacks in season as any other boy in college; and yet my average annual expenses were only two hundred and five dollars. My entertainments were of an inexpensive kind, but they were relished by all. Tobacco was not on my list. What I saved in hats, shoes, and clothes I spent in this way. It was not to gain popularity: I never thought of that; but only to give pleasure and entertainment to those about me; and I endeavored to do this as much by promoting agreeable conversation and cheerful social intercourse as by the little refreshments which were always to be found in my room in the proper season.

“Laughter, even though uproarious, in my room would never bring any of the faculty to look after it; nor were such bursts ever to be heard there at improper hours. Had such peals of merriment as were often heard there proceeded from other rooms, they would have excited suspicion that there was liquor about, and the matter would have been looked into; but I think no such suspicions were ever provoked by any mirthful demonstrations in mine, though there were many such during the four years, which seemed long years to me then, but short—how short! now.”

This feeling tribute to his boyhood from a man of so many experiences, is perhaps one of the most interesting allusions made by Mr. Stephens regarding any portion of his life. In those days of which we shall again hear him speak, his contemplation of his own peculiar case, his being supplied by others with the pecuniary means for the gratification of his highest aims, without which those aims must have been abandoned, his deep gratitude for that assistance, and his religious feelings and expectations, all contributed to make his life as blameless and as happy as was ever led by a student in college; and in reverting to it now, he does not refrain from expressing to his friend the value he places upon it. He is a man to be envied who, in

looking back to that period of youth which is exposed to so many and such strong temptations, can think and speak of it as it is spoken of here. But let us look a little closer into the heart of this pale and slender boy, and see the one small shadow amid all the cheerful sunshine.

“My days at college were halcyon days,—unclouded, prosperous, and happy. Not an incident occurred to cause regret; nor have I one unpleasant remembrance connected with those four years. And yet my happiness was not without alloy. It is said that every house has its skeleton: perhaps this is even more true of every heart. My skeleton was the circumstances attending my going to college, and the manner of my going. I had not been there long before I had doubts whether I should ever fulfil the expectations of my friends and my own early inclinations as to entering the ministry. I was tormented by the idea that if I should not, I should appear ungrateful and mean. It was a source of mortification to me to think that I had ever accepted the terms proposed to me by Mr. Mills; and I looked upon the acceptance as the error of an unthinking boy. I was poor, but proud; proud, not of money, personal appearance, position, or talent, but proud of character and integrity; and the thought that my conduct might be misinterpreted, and my motives misunderstood, distressed me. This was especially the case in the latter part of my course, when I had nearly concluded to abandon all idea of becoming a student of divinity.

“Still, I did not permit these thoughts to render me unhappy. Sustained by an inward consciousness of rectitude, I drove them from my mind. But this was my skeleton. Apart from this, no college-days were ever happier than mine. I stood well with the faculty, with my fellow-students, and with the town's-people, and had not, to my knowledge, an enemy in the world.”

Mr. Stephens had been in college about two years when his mind became decided—not until after much and anxious, even painful, reflection—on the subject of his entering the ministry. The silent struggle that went on in the secret recesses of his heart, as he strove to see where his true duty lay, was known to none but himself. He was a Christian, and felt a Christian's responsibility for faithful service; but decided at last that not in the fields of the ministry was that service to be performed. So soon as he had decided, his first act was to go to work for the discharge of the debt which he had incurred. How this was done we find in the Finkle correspondence, under the date of May 26th, 1863.



“After I had been in college about two years, while my religious feelings continued as strong as ever (though they were never zealous or enthusiastic, but rather serious, quiet, and calm), I felt much less inclination to preach. Indeed, I did not think myself adapted for the pulpit. I felt deeply embarrassed by my situation. I communicated my feelings to my uncle, who was my guardian, and had my little patrimony in his hands. Although I was under age, he allowed me to control it. With this I paid my own way, and by borrowing from my brother raised enough to relieve myself from all obligation to the Education Society, refunding, with interest, all that they had advanced for me.

“I felt much more independent when I was paying my own way ; but not the less grateful to those who had shown so much kindness toward me, and had taken so much interest in my behalf. All seemed to do justice to my motives ; and I never heard an unkind expression or intimation from any one when, as I drew near the end of my collegiate course, it was known that I did not expect to enter the ministry. Dr. Church, with whom I frequently conversed on the subject, never evinced the slightest disapprobation ; but I have always regretted that Mr. Mills, when he first made the proposal to me, did not explain it more fully, with his objects and intentions. If he had done so, I think I should not have acceded to his terms, and my path in life might then have been very different. That great turning-point, passed so unconsciously on the Sunday I went to South Liberty Church after quitting Welch's school, might have sent me adrift in a very different way. How little we know of our destiny, or upon what a slender thread it often hangs ! ”

## CHAPTER VI.

More College Reminiscences—The Pig in Class—Standing at Graduation—  
Dr. Church and his Family—Journal—Goes to Madison and teaches  
School—Unhappiness—Leaves Madison—A Secret Sorrow.

IN the beginning of the year 1858, Mr. Johnston went to Athens to reside as a professor in the State University. The recitation-room assigned to him was that which had long been occupied by the Professor of Ancient Languages. Shortly after taking his place, he wrote from that room a letter to Mr. Stephens, who was then at Washington, filling the last term of his service in Congress. The change of place and of fortunes, and the allusion to that especial room, brought to his mind many recollections of his own times, and gave rise to a letter, portions of which are hereto appended. And if we dwell somewhat at length on this particular portion of his life, it must be remembered how great an influence it had in shaping his mind and character.

After mentioning that he had heard through friends of his correspondent's removal to the university, he thus proceeds :

"Yet all that I had thus learned of your whereabouts came far short of the satisfaction which your letter afforded. The picture you gave of that old recitation-room was a treat in itself. It vividly brought to my mind some ludicrous scenes of many years ago. There old man Hopkins used to sit and have recitations in *Blair's Lectures*. There Lehman used to drill us in Greek, and make us laugh at his attempts to speak English. There Shannon used to warm into enthusiasm while he unfolded to us the beauties of Cicero's *De Oratore*. And there, too, the boys used to play tricks on the aforesaid professors.

"One day, while Hopkins had us in charge, a little mangy pig was slipped in at the door. Professor Hopkins was a venerable old man, who wore a long queue of silvery whiteness; and the pig's tail was arranged so as to present as close a resemblance as possible to this queue. He bore the joke with the philosophy of Socrates, while the young rascals roared with laughter. The pig walked about the room, grunting at frequent

intervals, and at each grunt shaking its queue, a performance which at each repetition brought a new burst of merriment. Some laughed till they cried. Poor old man! I don't know what has become of him. I wonder if you will have such a set of fellows as he had. If so, may you bear with them as he did.

"Shannon was fiery and passionate. He was fond of fiddling, but could not bear to hear any one whistle; it almost threw him into fits. One day some fellow sauntered along the passage, whistling. Shannon shut the book and bounded to the door. The fellow heard him coming and bolted down the steps, Shannon after him; but the culprit escaped into some one of the rooms. The professor returned, baffled, but with such a look as silenced at once the laugh his exit had excited. Soon after this incident, a student—perhaps the same—came up to the door and bleated like a goat. Shannon sprang again to the door, but the key being on the outside, the offender gave it a turn, and raised a loud ha! ha! of derision.

"These are some of the incidents your account of your *locus in quo* brings to my mind. Who knows what trains of thought a word may sometimes start! My comrades and associates of that day, where are they? Many of them are dead. Peace to their ashes, and honor to their memories. Those of us who yet remain must follow soon. The last time I left that room, and the rest, I did it with a sad heart, and took a formal farewell. The memories of the pleasant hours I had passed in each crowded upon me. The deep gloom of an uncertain and impenetrable future was settling closely, heavily, and darkly around me. Almost with tears I bade farewell to those old familiar halls. Even then I had had some foreshadowing of the bitter pangs I should suffer in the severance of the ties that bound me there. But how little did I know or even conjecture of that real agony of spirit which life's conflicts so soon inflicted! Few mortals have ever suffered what I did for some years after I left college. Indeed, I believe but few mortals are capable of enduring what I endured.

"But why does my mind still run on in this train? It is that recitation-room with its associations."

Here the letter branches off into a criticism upon a story the writer had been recently reading. It concludes thus:

"And now I must bid you good-night. It is late. I have been writing until I can hardly make letters that you can decipher. I do trust that you will succeed well in your new situation, be useful to yourself and to others, and above all, so far as you are individually concerned, be happy. How much that means!"

Some time after this he referred in a letter to a subject his correspondent had made inquiry about: his comparative stand-

ing in his class, and whether he had not received the highest honors. His answer was that, at the commencement at which he was graduated, there was no distribution of honors. His recollection, however, was that his average standing, in the circulars sent home at the close of every term, was equal to the best, and that in one he had a special mark of distinction higher than all. He requested that, if the old record-book could be found, it should be examined for the purpose of ascertaining the facts of the case. After some search, the book was found, and a transcript of the record of the graduating class of 1832 was sent to him. By this it appeared that his comparative standing was better than he had supposed. If honors had been then distributed according to the present rule in Southern universities, he would have received the first honor.

The Rev. Alonzo Church, in whose family Mr. Stephens boarded, was then Professor of Mathematics, and after the retirement of Dr. Waddell, became the president of the university, in which position he remained until his resignation in 1859. A friendship arose between him and young Stephens, with whose character, both in boyhood and manhood, he was much impressed; and this friendship lasted unbroken until the death of Dr. Church. In this excellent man's house were practised all the social virtues and amenities which add the crowning grace to home. A poor boy could not have entered any family in which there were better opportunities for learning those small moralities which it is so important for a young man to acquire. It was painful for young Stephens to separate from this family, of which he had been a member for so long. Perhaps more painful yet to bid farewell to the college companions with whom for the first time he had enjoyed congeniality and intimacy.

Although, like most youths on leaving college, he fancied the world he was about to enter to be better than it really is, yet he was not without a foreshadowing of trials in store. And when on that first Monday of August, 1832, his companions were full of hope and confidence, he, the best scholar, the first debater, in his plain dress, with his frail form and dark brilliant eyes glowing from a pale face that had never known and never would know the hue of health, went upon the rostrum, performed his

part simply, but well, and no one knew how his spirit shrank from the battle which was to begin on the morrow.

In his journal are recorded some of his reflections upon this epoch in his life. As this journal was begun not very long after his graduation, it may be as well to give in this connection the introduction with which he opened it. It begins thus :

#### “THIS BOOK

was bought this day, April 19th, 1834 (it being Saturday), of the house of Janes & Co., in the town of Crawfordville, Georgia, for the purpose of registering herein some of the changing scenes and varying events of each passing day. To this use I devote it, hoping that I may never be induced to consider the purchase-money ill-spent. Should this hope, however, as is unfortunately too often the case in human anticipations, prove illusory, I shall have a twofold consolation wherefrom to draw comfort. In the first place (if the recollection of former pain can be any mitigation to present), the knowledge of its not being the first time of my having suffered from similar disappointments. Then a lively remembrance of having often spent much larger sums in much less worthy causes.

“I have long since determined in my mind the importance of preserving, by a committal to paper, a daily memorandum of the most interesting incidents and occurrences and subjects of observation, accompanied with such reflections as might be suggested to the mind under the action of their immediate influence.

“A plan of this kind I once adopted, but was so unfortunate as to lose the whole fruit of my labors in this line, together with many other articles of value, in a trunk which was either misplaced or stolen from an inn in Warrenton : and as I do not feel entirely dispirited by this discouragement, I have resolved to commence a similar one, profiting as much as possible in its general management by former experience, as I think such a course will be attended by advantages, some of which it may be proper here to enumerate, such as the improvement of style which this habitual dictation on familiar and commonplace subjects will necessarily effect. The recollection of facts, scenes, and events it will more indelibly impress upon the memory ; and as no inconsiderable portion of pleasures which constitute human happiness is derived from leisurely reviewing the past, this may be a depository ever at hand to which the mind, when unengaged, may revert, and draw stores of pure delights and unfeigned enjoyments. As the eye may hereafter be glancing over these pages, tracing the history of days forgotten, often may it light upon some little remark or circumstance penned with the views, feelings, and prejudices of its own date, and awaken long trains of slumbering thought, while a thousand concurrent recollections of the same period spring instantly into being, when the whole subject-matter with all its attendants almost quickens into lively existence.

Thus I expect to fill up much of the great vacuum of idle moments, when time hangs heavily, and ennui and restlessness feed upon the soul, by an occasional retrospection of these pages. From them too I hope to derive not only the pleasures of calling to mind and living over the scenes of other days, but also to draw, should a kind Providence spare me, many lessons for the future, by comparing the present of all my days to come with similar appearances of the past."

There is a singular proneness in melancholy minds to keep a daily record of their actions, feelings, and reflections. Unhealthy as the practice is, they seem drawn to it by some necessity, or some craving of their nature. In some it leads to morbid introspection and self-anatomy; in others it feeds an equally morbid egotism, and in all it is prejudicial to a natural healthful play and balance of the faculties. In the outset of his career as a lawyer, we thus find Mr. Stephens following the usual bent of such minds, turning inwards and feeding his inner life upon itself, and, like Bellerophon, eating his own heart. Without friends, without money, without health, in the neighborhood in which he had been born and reared, and where for him the chance was least of being honored for what gifts he might possess, looking sadly back upon the four bright years he had passed, and travelling on in the darkness which thickened before him, the young man must needs get for himself a book, by means of which, for lack of companions, he could commune with his past self. While we cannot say that this journal had the mischievous results that often follow the practice, there can be no doubt that it deepened for a while the sadness of a nature prone to melancholy, and made slower of healing the wounds received in the struggle he had to pass through. Fortunately for him, it was not continued long. His fortitude, courage, and assiduity after a while brought him friends, and with more active employment and brightening prospects, his mind sought other and healthier occupation.

Upon the introduction above quoted, follows a short account of his previous life down to the time of his graduation. Then come his reflections upon leaving college, some extracts from which we subjoin :

"All students, upon leaving the place to which they become attached while acquiring their education, and bidding a last farewell to many dear

companions to whom they feel bound by the tenderest ties of friendship, increased by years of innocent youthful intercourse, can but feel bitter pangs at this severance of affections. . . . *Feeling* was always my characteristic quality, and it was called peculiarly into exercise at the dissolution of my college acquaintanceships, not only on account of the purest love and the warmest affection with which my heart glowed toward many whom I loved as brothers, and who have yet, and ever will have, an enduring existence upon the tablet of my memory, but on account of intimacies and connections which had been formed and strengthened between myself and others, which I felt were ill suited to our different conditions in life. In college were students of all conditions; the wealthy, however, forming the greater number. With many of these I had become quite intimate, and though I knew that I was poor, yet of my poverty I then seldom thought. With economy I had enough to pay my annual expenses and appear in uniform with the rest. There were there no distinctions but of merit. By a man's talents was he measured. This to me then seemed as it should be; nor do I now dispute the principle in the abstract, but it was injurious to me in the result. For from the stand which I took in my class I had acquired a considerable reputation in the opinion of all; I had extensive influence, and enjoyed the pleasure of having my judgment consulted on all occasions of importance, and thus of course lost sight of social distinction. I did not sufficiently consider that college-life would not always last; that I was then only preparing for future scenes in the drama of life, and that when the period should arrive for me to take my stand among the citizens of the land, I should be compelled to leave the libraries, the gardens, the societies, the museum, and all the other delightful haunts of learning, and become dependent on my own exertions for success in a selfish world, while those whom I had considered by far my inferiors would be revelling in their fortunes and indulging to the full in the pleasures of life.

"My whole thirst was for books, for science, and for learning. *Money* I had no further care or thought for than just to meet my little necessary contingencies. Upon its nature, value, and importance among men I had bestowed no consideration, nor did I think that my little annuity of two hundred and five dollars would soon fail, or how its place afterwards would be supplied. Such speculations troubled me not, bent as I was upon intellectual research. And thus I lived, breathing the true spirit of cheerfulness, until the day of separation came, when the charm was dissolved, the spell broken, when I saw those over whom I had long had a nominal, if not a real ascendancy, stepping forth into the luxuries of large patrimonies, . . . with no care upon the mind but to search for the newest pleasures, while I was, by necessity, driven from my studies, compelled to reverse my position from a pupil to a teacher, and not only be withdrawn from a circle of cheerful and warm-hearted friends and placed among strangers, but be doomed to the dungeon-like confinement of a

school-room, where I saw nothing and heard nothing from day to day but the same round of intolerable monotony. My feelings sank, my hopes expired, my soul withered. Then, indeed, I learned the use and importance of money. I then saw that it was money that regulates human society and appoints each his place; and often, when worn down by the labors of the day, I lay awake thinking of my situation in college and equality there with my wealthy associates, I have with tears sent forth this heart-felt ejaculation:

*‘O si sit mihi pecunia, quid non effecero!’*

and have had no other consolation than the Stoic's motto, *‘Cedendum est fato.’*

“My first residence after graduation was Madison, Morgan County, and my situation was that of usher in the academy of that place. Here I stayed four months, and a more miserable four months I never spent, principally owing to the causes I have just stated.”

But a fuller and more entertaining account of these four months in Madison has been furnished in the Finkle correspondence.

On November 4th, 1863, “Mr. Giles” addressed a long letter to his friend. Mr. Stephens had been on a visit to Atlanta, in consequence of a despatch from the President of the Confederate States requesting him to meet him there. Mr. Davis had come down from Richmond shortly after the battle of Chickamunga in order to visit the army then under General Bragg. “Mr. Finkle” reports a long conversation which occurred on the cars, from which we extract a portion.

“We got to Madison about ten o'clock. Here the cars again stopped for some time. Boss went to the door of the postal car (in which we were travelling), looked out, and said to me, ‘Come here, Peter.’ I went. ‘I want to show you the place where I spent four of the most miserable months of my life. I reached here on the 2d day of August, 1832, having left Athens the day after I graduated, and came here to teach school as assistant to Mr. Leander A. Lewis, who had charge of the academy; an arrangement I had made before the close of my collegiate term. That is the old academy building; you can see it still standing, that dark, rusty, black, unpainted building upon the hill. Look up the street yonder,—that street that runs directly across here from where the cars stop to the public square. Do you see that house there to the left of the street with a little office-looking house just this side of it? Well, in that house Lewis and I boarded, and that little office was our bedroom. We boarded with Mr. Lucius L. Wittich, who had formerly practised law, and the room we occu-



pied had been his office. He was an intelligent and agreeable man, and had an amiable wife. Both have been dead for many years.

“‘Well, in that little office I spent some most miserable days; and I seldom pass here without thinking of them.’

“‘Was it teaching,’ I asked, ‘that made you so unhappy?’

“‘I don’t know that it was,’ said Boss; ‘I don’t know what it was, any more than the newly-born babe knows what makes it cry. Perhaps it is the roughness of the softest elements of the sphere of its new existence fretting the nervous net-work of its tender skin. I, like a new-born babe, was translated to a new sphere of action, if not of existence, and the external nervous texture may have been too delicate; at any rate, the whole world and everything I came into contact with gave me pain. I was miserable, like the child. I uttered my sufferings in cries of the soul, if not of the body, and sometimes the last also. I used to walk this road by break of day, leading out of town here,—the Athens road. Mr. Lewis was a late sleeper, and I would walk a mile,—sometimes two miles,—and in these walks I poured forth my griefs to myself, and often wept.’

“‘I was not particularly dissatisfied with teaching school. But the place was new; the people all strangers; I had just left such pleasant scenes. The spirit, like a city cut off from its supply of water, was dying of thirst. The soul seemed to wither and die within me.’”

Further on the letter continues :

“‘Moreover, this did not seem to be my mission. Something had all the time pointed to other duties and another destiny. I was where I was, and what I was, simply for the want of money. . . . The power of money I felt much more in its want, I doubt not, than any one ever did in its possession, even when it shields crime, browbeats innocence, oppresses the weak, covers ignorance, and cloaks a multitude of iniquities. We seldom think of the power of the atmosphere over us, of its essential vital qualities. But let it be removed or attenuated; let the supply be cut off or diminished, and how quick its all-powerful energies for our behalf will be brought to the mind! I was, as it were, in an exhausted receiver, and felt the essential need of money to vitalize my energies and aspirations. What a change did I think would be wrought in my prospects, had I but one thousand dollars, or even five hundred! And this amount I knew to be wasted in a pleasure-party on a tour to the Springs, and that, too, by one of my old classmates, one who was always kind and friendly to me, and who called to see me on his return, and mentioned what his jaunt had cost him. Little did he know my feelings at the relation. They were those of a destitute child, almost starving, yet too proud to beg or steal, seeing the remainder of a sumptuous dinner thrown to swine.

“‘This is only part of what made me wretched. I cannot tell all the reasons why I was so, because I do not know them myself. Our happiness, I have since learned, depends much more upon ourselves than upon

the external world. A man may make of himself, and in himself, 'a heaven or hell.' . . .

"Teaching, as I have said, was not in itself distasteful to me, except the monotony of the repetition. On the contrary, I grew deeply interested in it, and buried myself and all my troubles in the school-room. On my return from my customary early walk, I breakfasted with Lewis, and then we walked together to the academy, generally taking a rather round-about way. The weather was warm, the days long; we opened school early and dismissed late, allowing two hours' intermission at noon. The hour at which attendance was required was 8 A.M., and at 5.30 P.M. any might go who wished; but we usually began much earlier, and remained until near sunset. Some young men from the country, who seemed intent on study, would stay late, and we devoted ourselves to them. The school, when I went there, had more than fifty scholars of both sexes, which were divided between us about equally, and without reference to age or advancement. Some of my scholars were grown-up, and some quite small. Some were in Latin and Greek, preparing for the Sophomore class, half advanced in college, and some just learning the alphabet; and it was the same way in Lewis's department. Each of us had his own department, under his exclusive control.

"Lewis was a good scholar, and had been teaching for several years. I had known him a year or two from his visits to Athens, where he had graduated in 1826. He was a North Carolinian by birth, a kind-hearted man, well liked, but had no discipline in his school. There were at that time in the town a number of rude, bad boys, sons of men of wealth, who had been spoiled by indulgence at home and at school. I discovered the state of things at a glance, and on the day that I commenced—Monday—I announced to those at my end of the building the rules that were to be observed there. They were concise and systematic, and I stated that they would be rigidly enforced. There was to be no talking, whispering, or moving about during study-hours. The little fellows might go out when they pleased, but must make no noise. Those in arithmetic might study out-of-doors, if they wished; but none of the rest were to go out without permission. There were only four of the little fellows—four-year-olds—that were allowed to come and go as they pleased.'"

The letter then proceeds to give an account of the insubordination of one or two of the larger pupils, who had determined to test the nerve and determination of the new, boyish-looking teacher. They were fully grown, muscular young men; but without a moment's hesitation the rod was applied with severity until they yielded. The affair created considerable stir. One of these youths was the nephew of a leading citizen, and Lewis expressed apprehension lest the school should be injured.

This, however, was not the case, as Mr. Stephens assured him. The popularity of the school was increased; and "only once after that time," Mr. Stephens writes, "did I have to use the rod at all, and then not severely. Seldom after that was there even necessity for reproof."

"In after-life I have often met my old scholars. David A. Vason,\* of Dougherty County, I prepared for college; also his brother, the doctor, in Alabama.

"I left Madison with a good impression of the people toward me, who knew not how miserable I was while I was there. My health was not good; before I left college I had become dyspeptic, and was subject to severe nervous headaches, which increased greatly in severity while I was at Madison. My long walks, I am now convinced, were injurious to me. Before the expiration of the term I had, through my old classmate and room-mate, William Le Conte, made arrangements to teach a private school for his father the next year. The trustees at Madison wished to retain me, but I told them of my engagement, and we parted in friendship and with good feelings on both sides. I shall never forget the day I left the town,—that house, that office, and Lewis. Nor shall I forget the night after this parting. My brother, Aaron Grier, came for me in a buggy, and we drove all the way to Crawfordville. I had a terrible headache,—a most horrible headache!"

And thus ends the account of these unhappy four months, during which both his head and heart ached, not only from the causes he mentioned, but from others, far deeper, which he does not care to set down. One little episode, not noted here, nor even told by him until near forty years after its occurrence, we may briefly advert to. One of the pupils at this school was a young girl, lovely both in person and character, from whom the young teacher learned more than is to be found in books, and whom he grew to love with a depth of affection all the greater that it was condemned to hopelessness and silence. The poor student, with no prospect of worldly advancement, the invalid who looked forward to an early death, must not think of marrying,—must not speak of love. And he never spoke of it to her nor to any,—never until a generation had passed, and then but to one friend. So he leaves the place, and travels all night, with such thoughts as we can imagine, and "a most horrible headache!"

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\* Hon. David A. Vason, afterwards Judge of S. W. Circuit.

## CHAPTER VII.

A Private Class—Mr. Le Conte—A Liberal Offer declined—Goes to Crawfordville and begins to study for the Bar—Hard Work—A Damper—Journal—An Anniversary—Begins to study Politics—President Jackson and the Bank—Despondency—First Fee offered and declined—Height, Weight, and Personal Appearance.

FROM Madison Mr. Stephens went to Liberty County, to fulfil the engagement made through his former room-mate, William Le Conte. The agreement was, to teach the children of Dr. Le Conte and those of Mr. Varnadoe, one of the neighbors, thirteen pupils in all, for a salary of five hundred dollars. Other children from the neighborhood, whose parents were too poor to pay, were taken into the school, and taught without payment on their part, or any increase of remuneration to the teacher. His time here was far more pleasant than that spent in Madison. As the sole master of a small school, the pupils of which were the children of parents who, whatever their fortunes, were well-bred and used to all the courtesies and kindnesses of social life,—a characteristic of the people of that county,—himself a welcome guest and soon an intimate in their families, he was free from the annoyances and vexations unavoidable with a large school involving such various and unpleasant elements as did that at Madison. The society of Dr. Le Conte, especially, was not only congenial, but helpful to him; and he felt that his intellectual growth was taking a new start. This gentleman was a man of far more than common ability and culture. Mr. Stephens, in after-life, used to refer to him with the warmest remembrance, and frequently spoke of him as the most learned and intellectual man whom he had ever met. He was the father of those distinguished men, Professors John and Joseph Le Conte.\*

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\* Now of the University of California.

At this school the most agreeable relations existed between teacher, pupils, and patrons. So satisfactory were his services found, that an offer of fifteen hundred dollars' salary was made to induce Mr. Stephens to remain for another year; but he declined. His reasons for so doing are thus referred to in one of his letters:

"My health had failed. A sedentary life did not suit me. Moreover, I had saved a little money,—enough to start with. Oh, what a relief it would have been to me, what pains and agonies of spirit it would have saved me, if I could but have had in hand when I left college the amount I had at this end of toil! 'A little aid at the right time is worth thousands when it is not needed.'"

"Mr. Giles" was very anxious to obtain, through the agency of "Mr. Finkle," some further details on the subject of these school-keeping days. But about the time of his writing, Mr. Stephens was preparing to attend the meeting of Congress at Richmond, and in addition to this, the increasing difficulties of public affairs absorbed all his attention. His health grew worse than usual, so as finally to prevent his journey to Richmond. Only one more of the Finkle letters was received, which was written on January 21st, 1864, and as it refers entirely to current events, it will be reserved for introduction in its proper place.

At the opening of the year 1834, being then twenty-two years old, Mr. Stephens resolved to give up teaching altogether, and returned to the up-country to begin his studies for the bar. Mr. Gray A. Chandler, a brother of the Hon. Daniel Chandler, was at that time in successful practice in the adjoining county of Warren, and proposed to Mr. Stephens to read law in his office and under his guidance, without charge. But trusting to find in travel some improvement of his health, he took a journey on horseback in the western part of the State, and after spending three months in exercise and recreation of this kind, he concluded to return to his own neighborhood, purchase the necessary text-books, and pursue his studies alone.

The new county of Taliaferro had but a few years before been laid off from parts of the adjoining counties of Wilkes, Warren, Hancock, Greene, and Oglethorpe. The county seat was located

within two miles of his birthplace, and named Crawfordville in honor of the distinguished statesman, William H. Crawford. To this little town, destined never to advance much in growth after the first four or five years, this restless spirit repaired, with the desire to make it his permanent home. The Rev. Williamson Bird, a Methodist minister, and brother-in-law of Mr. Stephens's step-mother, was then the owner and occupant of the house now Mr. Stephens's residence. With this gentleman he resided, obtained one of the upper rooms of the court-house for his office, and entered upon his new work. He remembered the singularly short time which he had required for his preparation for college, and seeing the pressing necessity that he should find some remunerative employment as soon as possible, he determined to make an effort to obtain admission to practice at the next succeeding term of the court, which would be in July. Three months would seem but a short period for a sickly young man, without a teacher, to prepare himself for the practice of the law; but he had neither time nor money to spare, so he resolved to see what could be done.

So here he began his studies; spending the day in his room at the court-house, the night at Mr. Bird's, and recreating himself now and then by an evening walk to a neighbor's, or going home with the children of his cousin, Mrs. Sabrina Ray, as they returned from school, spending the night at her house, and walking back the next day. He had no familiar friend with whom he could hold converse in the hours of relaxation, when the overburdened heart and brain felt such sore need of one to whom their hopes, fears, and griefs might be confided, and who could breathe a word of sympathy, if not of encouragement. For such a friend he longed, but as he had none such, he makes his journal his confidant,—the journal of which we spoke in a previous chapter, and the introduction of which we gave.

About a dozen pages of this volume are devoted to a concise account of his previous history, coming down to the 1st of May. The next entry is as follows:

*“May 2d.*—The morning of this day I employed profitably on the 10th, 11th, 12th, 13th, and 14th chapters of the 4th vol. of Blackstone. In the

evening I did nothing, on account of having company, but read newspapers (for which, by the way, I have a passionate fondness), and conversed on various topics. My feelings and hopes seem ever to be vibrating and vacillating between assurance and despondency. My soul is bent upon success in my profession, and when indulging in brightest anticipations, the most trivial circumstance is frequently sufficient to damp my whole ardor and drive me to despair. This remark is founded on experience. The other day, as I was coming from my boarding-house in a cheerful, brisk walk, in high spirits, I was instantly laid low in the dust by hearing the superintendent of a shoe-shop ask one of his workmen, 'Who is that little fellow that walks so fast by here every day?' with the reply, in a sarcastic tone, 'Why, that's a *lawyer*!' "

We may laugh at this now, and so can he, but it was a bitter jest to him then. His youthful appearance at this time was surprising. Mr. Johnston, who was then a child, saw him for the first time in the previous year, and supposing him to be a boy of fourteen or fifteen, was astonished to learn that he was an adult man. His form was the most slight and slender he has ever seen; his thin chestnut hair was brushed away from a white brow and bloodless cheeks. He was leaning upon an umbrella. The child who looked at him felt sorry for another child, as he supposed, who had suffered from long and painful illness, for he bore in his face and form the looks and weary wear of prolonged suffering. The shoemaker's man had been taking his observations in another spirit. Himself, probably, without ambition, or any aspirations beyond his bench and last, he did not approve of people aiming to rise above their fellows or their fortunes; and when this "little fellow," without sign or prospect of beard, on days when those like him were at school or dropping corn after the plough, came by his window, walking cheerfully and briskly to his office, he puts what sarcasm he can into words, and sneers, "Why, that's a *lawyer*!" It reaches the "little fellow's" ears (though probably not meant to do so), and wounds as rudeness, coarseness, and scorn always wound the young and the sensitive who have not learned to allow for character and motive. He has no strength to parry this awkward thrust of the shoemaker's man. Indeed, the man may judge him rightly, and may be a prophet in the evidently low opinion he has of the young lawyer's chances of success. His voice may be the im-

partial verdict of society, which politeness hitherto has kept from reaching his ears. It is not merely the disapprobation of a journeyman shoemaker that "lays him low in the dust."

We take the next entry in the journal :

"*May 3d, Saturday.*—This day brother came to see me. In the evening we walked down to Mr. Brown's school-house, two miles distant, to attend the meeting of a debating society. Question for discussion : 'Which enjoys the more happiness, a farmer or a merchant?' I took some part in the debate. Spent the night with Major Guise. During the night there was a great fall of rain. However, we set out from his house after breakfast for Crawfordville, but finding the creek full, we had to wind and *traverse* about through the wet leaves and muddy ground before finding any log upon which we could cross. At this time my feelings were at a low ebb. It being Sunday, cloudy and rainy, and I wandering about on foot, with an old umbrella, trying to cross a creek! How ashamed I should have felt had I met one of my Athenian friends! What conscious remorse I felt at my lowered situation! But my motto is, *Cedendum est fato*. He that exalteth himself shall be abased. The world must be taken as it comes and made the best of, as all other bad bargains. May be it . . ."

The following page, with the conclusion of this sentence, and the next page after, were torn out by the author before handing over the journal to the present writer. The next entry is this :

"*May 7th.*—This is the eighth anniversary of my father's death. The day never returns in each revolving year without bringing to my mind many sad reflections. I easily read the scenes, the griefs, the woes of which I keep it in commemoration. But alas! the course of time is onward. And though at each return of the 7th of May I may seem as if moving in a circular motion, to be nearer the point and period of that memorable event than at other seasons of the year, yet this is only a delusion providentially afforded to soothe the soul with the pleasing hope of paying an annual visit to the shades of affliction and the place of bereavement. This day I finished the review of Blackstone's *Commentaries*. Spent part of the evening with Dr. Mercer, who called on me. We examined some minerals he has. I was upon the whole well pleased with him. I shall cultivate his acquaintance."

This acquaintance was marred not long afterwards by a misunderstanding, which produced at last a serious quarrel with Dr. Mercer and his friends. It originated from a subject mentioned in the next entry.

"*May 8th.*— . . Have to-day read Jackson's Protest to the United States



Senate.\* Am pleased with it in general, but think he was not particular enough in the selection of words and the use of terms. I do not think, from reading all the parts together, that he meant what some detached sentences would legitimately import. His supplementary message I *disapprove*, because, in the first place, it was unnecessary; secondly, as an explanation it comes, in my estimation, far short of effecting anything. It is more like a *recantation* than an explanation; and by superficial observers and by partisan editors it will, I have no doubt, be thus pronounced. While all that was necessary to satisfy the most wavering was an explanation of the particular sense in which he had used the words *custody*, *law*, *executive department*, etc., together with some other words and sentences. For my own part, I feel interested for General Jackson now. I see the most formidable, unprecedented, and vile attempts made to oppose his measures, entangle his administration, and, if possible, to fix upon him infamy and disgrace. The principles of his Proclamation of December, 1832, I decidedly condemn. But it is human to err; and for *one* error a man who has always stood high and done much good for his country should not be abandoned. For where we shall find a President who will commit only one wrong, we shall find few who will not commit more. Concerning the deposits question, I think the President acted precipitately. He should have awaited the session of Congress; but as he chose a different course, he should nevertheless be sustained, since I am convinced the course he did take was constitutional. The bank is a dangerous institution: Jackson has it now by the neck, and if he is let alone he will soon choke the reptile to death. I care not how soon it is done, for if it ever escapes nothing valuable and nothing sacred will be out of the reach of its venom."

"*May 11th.*—This day I spent in writing letters, until noon, and afterwards in reading. Drew for the first time an attachment bond. More business seems to be brewing than for some time past. Several inquiries concerning law-points have been made to-day; and I very much wish I was in the practice, able to give advice, and that there was room for as much as I could give."

The entry of the next day shows his fit of despondency returning.

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\* The removal of the public deposits from the Bank of the United States and their transfer to certain State banks by President Jackson was a measure which, on account of both its financial and political bearings, created great excitement throughout the country, and placed the President in direct opposition to the Senate, in which body the great statesmen, Calhoun, Clay, and Webster, for the first time were united in their antagonism to the administration. The Senate passed a resolution of censure on the President, and the latter replied by the *Protest* referred to in the text. The resolution of censure was finally expunged from the journal of the Senate by order of that body.

"*May 12th.*—Have been reading to-day, but slowly. Crawfordville is a dry place. I do not feel satisfied. I have a restlessness of spirit and ambition of soul which are urging me on, and I feel that I am not in a situation to favor this inward flame. My desires do not stop short of the highest places of distinction. And yet how can I effect my purpose? . . . Poor and without friends,—no prospect of increasing my means,—time passing with rapid flight, and I effecting nothing! Day is succeeding day, and I do nothing but ponder over a few pages of my law, and mix with kind-hearted but uninformed people, who know very little themselves and can impart little or nothing to others! Oh, that I were able! I would seek society congenial to my feelings; I would converse with those who could entertain and instruct. Such once was my situation, but that day is gone, and its remembrance chokes my utterance!"

Our young student on this 12th day of May is evidently out of sorts, both in mind and body. He even makes a disparaging allusion to Crawfordville, as harmless a little village as may be found. He wants money to get away from it, and thinks that if he had but money he would soon be on his way to more congenial society. We shall see in good time what modifications these opinions of his underwent.

"*May 13th.*—Read all the law I could find relative to the case of J. Brooker, who has absconded and left many debts unsettled. I find great difficulty and am now greatly bewildered with perplexity. I wish I had somebody always at my elbow to solve all my doubts and difficulties, and answer my questions. I should *then* have some hopes of final success. I was consulted the other day on a legal point, for the first time, and, most miserable to remember, counselled erroneously!"

The entry following is less tragic:

"*May 14th.*—Nothing particular. A *belled* buzzard passed through the neighborhood, quite to the astonishment of the natives."

"*May 15th.*—Read Chitty, Maddox, Blackstone, etc. In the afternoon assisted in copying some attachments *vs.* John Brooker for some persons from Washington, but the whole proceedings seemed to me an inexplicable maze. I was for the first time offered pay for my legal services, but very *gentlemanly* refused!"

Much as he wants money he will not take it until he is legally entitled to charge for his services. Yet he cannot refrain from a little touch of sarcasm at himself for not yet having won the right to charge a fee.

"*May 17th.*—Brother is still with me. Have done nothing for the last two days. Had an introduction to a man to-day who addressed me familiarly as 'my son.' Such has often happened to me. Last fall, when I was in Savannah, I was asked by a youngster-candidate for the Freshman class if I were going to college, and I was more amused at the joke than surprised at the question, considering that my appearance is much more youthful than that of most young men of twenty-one. My weight is ninety-four pounds, my height sixty-seven inches, my waist twenty inches in circumference, and my whole appearance that of a youth of seventeen or eighteen. When I left college, two years ago, my net weight was seventy pounds. If I continue in a proportionate increase I shall reach one hundred in about two years more."

"*May 18th.*—This is Sunday. Last night I and brother spent at Thomas Ray's. This morning was beautiful. The air was calm, clear, and serene; the sun shone warm and joyously. Brother and myself and Thomas rambled over the scenes of my early days, visited Father's grave, saw all the haunts of my boyhood, the fields in which I have labored, the trees I have planted, the rocks I have piled, the hedges in which I have reclined. Thought much of the past, of which I can here give no utterance."

Thus we find him working round to a healthier frame of mind. The two days' visit from his brother, their joint visit to their cousin Sabrina Ray, the walk in that sweet morning to the grave, the memories brought back by all those familiar scenes, have brought feelings at once sad and consoling, and thoughts, not altogether painful, but to which he will not give utterance. And so we find him passing through the ordeal through which so many young men of noble feelings and high aspirations have to pass at their first contact with the stern realities of life. This it is which tries their natures, as in a furnace, and proves the metal of which they are made. Few have suffered more in this trial than he; still fewer have come through it with purity undefiled, honor untarnished, and principles unshaken.

## CHAPTER VIII.

Journal—Youthful Judgments—Forebodings—Æsthetic Criticisms—Opinion of Railroads—Solitude—First Plea—Self-censure—Ambition—A Critical Period—Out of the Depths—Dr. Foster and his Prescription—Moves to Uncle Bird's—A Shock to Modesty—A Narrow Escape—A Fourth of July Speech—Adhesion to the Doctrine of State Rights—Right of Secession—Admission to the Bar.

WE still continue from the journal, as at this period the record of his thoughts and feelings which he confides to its pages has more interest for us than external incident.

"*May 19th.*—Brother left me this morning. I am quite unwell. Inferior Court sat; no business. One case only, and it dismissed. Starvation to the whole race of lawyers! Read a little in Chitty, and did nothing as usual."

Rather discouraging to the young student, this. Though not affecting him directly, his prophetic vision describes in it the harbinger of coming woe,—of a time when man shall cease to plead or be impleaded; when crimes and torts and breaches of contract shall be things of the past; when the craft of the lawyer shall be no longer in demand, and he himself shall perish of inanition. Let him take courage; the millennium is not so near.

On May 22d he goes with Dr. Mercer looking for minerals, and returns home fatigued and worried, with self-reproach for wasted time. The day's entry closes thus:

"... I propose reading to-night to make up some of my lost time. I am sometimes almost fretted with myself when the day begins to close in upon me and I find I have done nothing. Such are my feelings now. Time is precious: I know it; and yet it seems impossible for me to improve it."

The next day we find his mental irritation and disgust venting itself on external things. He has not yet learned how much the world without us takes its coloring from our own eye; and how,

when our life is bitter to us, we discover hatefulness in almost everything :

“ *May 23d.*—I do detest vulgarity. Sometimes I almost have a contempt for the whole human race,—the whole appearing like a degenerate herd, beneath the notice of a rational, intellectual being. Sensuality is the moving principle of mankind, and the most brutish are the most honored. I long for a less polluted atmosphere. Of all things to me, an obscene fool is the most intolerable ; yet such I am compelled to mix with daily. Will I never find one whose company will please me ? No ; of this I despair. I have once been so fortunate, but never expect to be again. My notion of merit is what is intellectual in its nature. I honor and long to be associated with the mind that soars above the infirmities and corruptions of human nature ; that is far out of the region of passion and prejudice ; that lives and moves and has its being in the pure element of Truth. But how revolting, how sickening to my feelings, how disgusting, how killing to my soul, to see beings bearing the majestic form of Man, possessing speech, reason, and all the faculties of an *immortal* mind, hopping and skipping all night to an old screaming fiddle like drunken apes, or lounging about a grog-shop from morn to eve, or wallowing, swine-like, in the mud and mire ! ‘O judgment, thou art fled to brutish beasts, and men have lost their reason !’ But my feelings are taking me too far. The error is in nature ; it must be pitied, not blamed. Perhaps I may appear as objectionable and as odious to others as others to me. But I do wonder if this poor world is thus always to remain ! If low, degraded, selfish, lascivious, foolish, besottedly foolish men are always to figure most conspicuously here in it, or if there is any ground on which to rest the consolation of a hope for better things to come ? *Sed satis mi melior.*”

Perhaps after this good long scold he feels some relief. He has been slow in discovering the amount of vulgarity, sensuality, and folly there is in the world, and the discovery shocks him all the more, coming, as it does, when his principles are formed but his judgment still immature, and before he has learned that wise optimism that tries to find the soul of goodness even in things evil. To him, sitting at his window up in the courthouse, and looking down upon the public square, the faults and follies of these poor Crawfordvillians are obvious enough ; what good may be in them he does not see. Shrinking, like a woman, from all grossness, his offended nature protests indignantly, yet he checks himself, remembering that others may be passing rash judgments on him.

*"May 26th.*—Did nothing to-day. Played chess in the morning. Got some notes to collect for the first time; find it a miserable business collecting money. Have a headache; but withal have this evening been pleased looking at the constant lightning in the east. I like, of a summer eve, when darkness prevails, to get to my window, and look upon the broad bosom of a cloud lighted up with successive coruscations of electricity. As I sit and behold one blaze begin and run from one extremity of the horizon to the other, and then disappear, leaving all in darkness, to be instantly followed by another on the same arena, my thoughts turn to the life of man and the history of nations. A burning genius bursts forth in the darkness of surrounding ignorance, and shines afar, but soon expires and sinks to nought, leaving darkness in his train. One nation, for the moment of a few short years, as our little republic is doing now, may prosper and flourish; but it is like the flash of the lightning, sublime in its passage, yet hastening to its end."

How much of this gloomy vaticination is a mere externalizing of his personal discontent, and how much is a deduction from his studies of the political history of the country, we cannot now see. No man has shown more clearly than Mr. Stephens in his later writings has done that the seeds of dissension lay in the Union from its very formation, and that with the increase of population, the strengthening of parties, the enhancement of the prizes at stake, and the irritation of reiterated and aggravated grievances, a catastrophe was sooner or later inevitable, unless it had pleased Providence to give the people more wisdom and the statesmen more patriotism than commonly fall to the lot of republics.

In the next entry we are surprised to find our cloistered and brooding student passing a judgment upon female beauty and female costume.

*"May 30th.*— . . . Have read little or nothing, spending the day very unprofitably in chit-chat on various subjects. Examined some drawings representing the ancient statues, the Apollo Belvidere, Venus de' Medici, the Gladiator, Antinous, etc. With the Gladiator and Venus I am delighted; the muscular energy of the one, and the luxurious grace of the other, stand unrivalled in any specimens I have yet seen in nature or art. I think it a pity, but some of our fashionable belles should take a lesson from this elegant form of true grace. If they could, I am persuaded that they would change their present disgusting waspish taste, and adapt their conformation to the lines and curves of natural beauty."

*"June 2d.*—It appears impossible for me to study. I supposed when I

got this room that I should be by myself, retired from all noise and all company, and have an undisturbed time for reading, writing, musing, or doing anything else my inclination might lead to; but to my great disappointment and mortification, I am sometimes interrupted from morn till night, and do nothing the livelong day but jabber with each transient interloper who may be disposed to give me a call. I seem to be constitutionally unfortunate in this respect. When in college I was always pestered more with company and interruptions by incomers than any one student of my acquaintance. Frequently my chums have left the room to me and my company, as they would tell me in private, and sought retreat in some adjoining cloister to prepare their recitations, while I, as Horace on his walk to the gardens of Cæsar, could have breathed a fervent prayer to Apollo or any other divinity for aid in obtaining a similar release."

The next day's entry reads strangely enough now, when the subject therein touched upon as something new and strange has become familiar to every one, and connected with the interests of every one. It is interesting to see with what caution Mr. Stephens speaks of a project which he soon afterwards fully investigated, and of which he was to be an eloquent champion. This was the project of building a railway from Augusta to some point in the interior of the State. An intelligent advocate of the scheme was Dr. Thomas Foster, who then resided in Crawfordville, which village, by the way, has the distinction of being the place where, owing to the influence of Dr. Foster, Hon. Mark A. Cooper, and others, it was first resolved to call a convention upon the subject. This, however, was some time after the period now under consideration.

"*June 3d.*—The railroad is the topic of the day. Some think it will be a profitable investment of capital; others fear to run the risks with their own pockets; while all seem very anxious that it may be effected by some means or other. For my own part, I must confess that my opportunities of gaining information on the subject have been so limited, and my judgment on such matters is so immature, that I cannot say I have any decided opinion on the great question of interest. If, however, my premises are correct, I think the legitimate conclusion must inevitably follow in favor of the project. Railroads, it is true, are novel things in the history of man; and as yet so little experience has been had on their practicability as leaves the whole subject somewhat a matter of hazard. In my estimation, the greatest obstacle is the greatness of the enterprise. The stupendous thought of seeing steam-engines moving over our hills with the safe and rapid flight of fifteen miles an hour, produces a greater effect in the

dissuasion of the undertaking than any discovered defect in the chain of arguments in its favor. Speed to the work. Ripe apples to-day for the first."

The whole subject is so vast and so novel that he scarcely knows what to think. The idea of driving engines by steam *over hills*, at the dizzy speed of fifteen miles an hour, is something with which the mind finds it hard to grapple. It is a relief to turn from these strange devices of impatient man to the quiet operations of nature, that never hastes and never rests, but brings forth leaf, flower, and fruit in due season, and enables him to note on this 3d of June, "Ripe apples to-day for the first."

"June 6th.—I do wish I had an associate,—a bosom confidant,—an equal in every degree, neither above nor below, whose tastes and views were similar to my own, and whose business and pursuits were the same as mine. With such an one I could live and learn and be happy. But as it is, I sit in my room from morn till night, nor see nor converse with anybody of like tastes with myself. I try to read and advance in information, but having no person to converse with, to create interest, or elicit new thought upon the subject-matter of my studies, I find that I am not only failing to gather up new stores, but even permitting former ones to escape. . . . I have this day read in the *Southern Recorder* (the only paper I take, and devoted to State-rights) a chapter on cats, with which I was pleased, and which I hope long to remember."

His lonely brooding and want of companionship make him fancy his gloom deeper than it really is. Having exhausted the political articles in his paper, and perhaps confirmed his opinion of the impending ruin of the country, a bit of harmless pleasantry, even about cats, cheers him up. He is grateful for the relief, and hopes long to remember it. But the next day he complains again.

"June 7th.—I have done nothing to-day but saunter about, loll on the bed, and chat foolishness. When will my days of folly pass and I be what I wish to be? This day I for the first time drew a plea in answer to a process, etc. It was for a Mr. James Brooker, sued in the Justice' Court. I was under considerable embarrassment; however, finally succeeded; but at this time have a most contemptuous opinion of myself. I believe I shall never be worth anything, and the thought is death to my soul. I am too boyish, childish, unmanful, trifling, simple in my manners and address.



I must commence anew. Lethargy is my fatal fault. I am like the kite: I soar only in the rage of the gale. In the calm I sink into inactivity. I am like the flint which emits no spark unless brought into contact with something almost as hard as itself. I was made to figure in a storm, excited by continual collisions. Discussion and argument are my delight; and a place of life and business therefore is my proper element. Crawfordville is too dull. I long to be where I shall have an argument daily."

"June 8th, Sunday.—In my room all day."

Want of suitable companionship, and this continual brooding over his isolation and his helplessness, are enervating him. He doubts himself. Not long ago he was writing, "*Quid non effecero?*"—now he "believes he shall never be worth anything," and the languor is creeping over body as well as mind. A spell like that of Vivien's is weaving around him, and while to others he seems free, he feels himself shut

"Within the four walls of a hollow tower  
From which is no escape for evermore."

Better had he gone once more to the old place to-day, and revisited the scenes, re-awakened the memories, of his childhood.

"June 9th, Monday.—I to-day feel the ragings of ambition like the sudden burst of the long smothered flames of a volcano. My soul is disquieted within me, and there is an aching, aspiring thirst which is as indescribable as insatiable. I must be the most restless, miserable, ambitious soul that ever lived. I can liken myself to nothing more appropriately than to a being thrown into vacant space, gasping for air, finding nothing but emptiness, but denied to die. These are my intolerable feelings."

"June 10th.—The weather continues very warm; and whether it be the effect of external circumstances, or but one among other constitutional defects, I cannot tell, but I do have too contemptuous an opinion of this world to be entitled to the privilege of a resident. And were there any safe known passage to another, I should soon be making preparation for an exit, trusting to the probability of its being a better."

It was a fierce ordeal through which our young student was passing in those bright summer days. Close confinement in his chamber, isolation, friendlessness, poverty; the knowledge that he was risking all—not merely his hopes of future prosperity, but even his daily bread—upon the hazard of professional success: all these sicken both mind and body. The overstrained nerves demand rest, and he then bitterly reproaches himself with

having wasted a precious, irrecoverable day; the dulled brain refuses to follow the intricate thread of legal argument, and he calls it lethargy, and despairs of himself. To the pages of his journal he confides the cravings of his ambition, and his anguish at its utter hopelessness. Once he felt that, had he but a chance, he could achieve distinction; now, with death in his soul, he declares that hope a delusion,—nay, he despises himself for having cherished it. Few men, with unburdened consciences, have sounded lower depths of wretchedness than this. He breaks forth in anger against a world that seems to him all out of joint; and then, with bitter self-denunciation, admits that the fault, the incongruity, the incompatibility, may lie at his door alone. He has not yet learned to read, even most imperfectly, the two great riddles,—the world and his own heart. Sufferings of body accompany the sufferings of mind; and to nerves thus tortured into over-sensitiveness everything gives pain. Headaches, the black fiend dyspepsia, torment him by night and by day; the hearing of ribaldry and blasphemy, the sight of drunkenness and profligacy, assail a spirit cast in the most delicate mould; and these assaults he can neither repel nor escape. He can do nothing to reform men that look upon him half-contemptuously as a crotchety boy; he can do nothing to strengthen a body that has been frail and sickly from the very birth. He was in greater peril in these days than even he knew. Men of natures akin to his have been brought by trials of this kind to madness, or been relieved by merciful death, or sought a desperate refuge in self-destruction. Let no one say that the position of a poor, friendless student is no such uncommon one; that his straits were not so extreme: he was not starving, he was not in rags, he was not an outcast from men's good opinions, nor from society. The tragedy is not in the circumstances, but in the actor; and we must judge of his sufferings by looking at his position as he saw it; not as it looks to us from without. It was in a frame of mind somewhat like his that Chat-terton, weary and with a breaking heart, wandered about London, when the few who could and would have helped him were away. The boy-poet of Bristol had one torment that was spared our friend,—the torment of a conscience not at rest; but he

was also supported by a belief in his own genius, while young Stephens, as we have seen, had lost confidence in himself. Fortunate was it for the latter that the solitude of the little village, that he found so small and dull, was not like the solitude of the vast city.

This has been a sad and gloomy chapter of his life ; but to the student of the human heart it is one of the most interesting, containing as it does that faithful record, meant for no eye but his own, of the inmost thoughts of his soul. From depth to depth he has descended, until he has reached the nadir. One step more downward would have been the end of all ; but that step was not taken. We shall see him again in grief and in gloom of spirit ; but never again shall we find him choosing death rather than life, and meditating whether there may not be some safe passage from this world to another.

*"June 12th.*—Attended Florence's examination. Was highly amused."

Florence was a schoolmaster, and an acquaintance, with whom he occasionally has had an "argument on grammar," and who has, once at least, lent him an "old blind horse" for a ride. Who knows but the amusement he felt at the examination of these children may not have given the little touch that saved him ? For he was in a perilous state. No one but he who has had the experience can know how the thought of a voluntary escape from the wretchedness of life, at first awful, if tampered with, grows subtly, almost irresistibly seductive. One touch of a finger, and all the burden is thrown off, all pain eased, all perils escaped, all forebodings frustrated, all enemies baffled. Death lays aside his terrors, and changes from a grisly spectre to an angelic form, bearing the balm of forgetfulness and the keys of release.

*"June 15th, Sunday.*—Quarterly meeting. Pretty good sermon by Mr. Arnold. Some objectionable points, however. What these were I cannot now mention. Perhaps I may on some future day give place in these pages to something like an exposition of my faith ; but it must be when I have more time than now."

That exposition never found a place in "these pages," nor in any others. The views which a youth of his inexperience would

take were doubtless too undefined and too wide in range for him to find time to express,—at least until he could give more time to the task. But whatever those views may be, it seems that they have not yet pointed out any safe road to another world for a man who has grown tired of this. Probably he does not feel so tired of this now. At all events, we find him devising means for living more comfortably in it, and, for one thing, trying to borrow a horse.

*“June 17th.*—Tried this morning to borrow a horse to go to Uncle Grier’s on business for Thompson, but was so disappointed as to fill me with mortification and a due sense of my humble dependence. Nothing hurts me worse than to ask and be refused. Therefore I had rather (and have often done it) walk than ask for a horse. I finally got O’Leary’s, but could not return, on account of a heavy rain in the evening. I recollect that in 1826, on this day, we had a good rain, after a considerable drought.”

*“June 20th.*—Read Blackstone in review. Had a visit from Dr. Foster, and promised him to deliver an oration on the Fourth of July.”

He has been at last visited by a physician, and a good one. This good Dr. Foster has never received a diploma nor entered the doors of a medical college, but he is renowned for miles around for curing patients and for making money. He has been observing our young friend for some time, and seeing the treatment he needs, volunteers his services. No visit was ever more opportune, no diagnosis more correct, no plan of treatment more judicious. He begins by prescribing a Fourth-of-July speech,—a good prescription.

His patient began on the speech the very next day ; and, what is more, he moved his lodging from the court-house to Uncle Bird’s,—a good move, possibly a suggestion of the doctor’s.

*“June 25th.*—Went to a party at Mr. John Rogers’s. Intolerably warm, but time spent very pleasantly. For the first time witnessed the new dance,”—the waltz, presumably, then of recent introduction,—“which disgusted me much. Oh, the follies of man, and how foolish are some of his ways! Returned in the evening, with a narrow escape of my life. My borrowed horse, a large and spirited animal, seldom used, having stood some time in the rain, and having been left by his companions, upon my starting evinced a disposition to run, and I soon found that it would be impossible for me to manage him or hold him in. Off he went at full

speed, passed gigs, carriages, and all wheeled vehicles. My umbrella fell, then my hat. Away we went, Gilpin-like, over logs and gullies, hills and valleys, for two miles before I could arrest him, when I was so exhausted as to be hardly able to dismount. During the whole danger I felt composed, and determined to exert myself to the last to keep the saddle, although I was conscious of my perilous situation, and thought of the instability of human affairs, and how soon I might be hurried from the scenes of mirth in which I had just been into eternity. This was a solemn reflection; and I have reason to be thankful that a kind Providence did not permit this danger to become a fatality."

The entries of several succeeding days are very short and almost illegible, on account of the soreness produced by this uncommon exertion. The preparation of his speech was troublesome. He wrote and then destroyed and wrote again, finishing it on the 3d, and therefore had to read it. In the entry of the next day, while speaking of the recurrence of the celebrations, he says:

"This natural enthusiasm should not be suppressed. It is only by a frequent recurrence to the cost of liberty that it can be truly appreciated. When the people become remiss, and cease to watch their rights with a jealous eye, then the days of liberty are numbered, for its price is eternal vigilance."

The manuscript of this address is still preserved. Its chief theme is the importance to the liberties of the people that the rights of the States shall be jealously and firmly maintained; a doctrine which has always been a cardinal one with him. His friends desired to have this speech published, but this was not done until thirty years after. In 1864, in answer to certain insinuations that his opposition to the Administration's tendencies toward centralization was not founded on principle, and that his advocacy of State-rights was new, he published in pamphlet form this early declaration of his political faith.

In this, his first political speech, Mr. Stephens distinctly took the ground from which his convictions never afterwards wavered. While denying the asserted right of nullification,—that is, the right of a State to remain in the Union and yet disobey the Federal laws,—he insisted upon the sovereignty of the States, and the right of any to withdraw from the Union if the compact should be violated by others. Though in 1834, as in 1860, he considered this step a deplorable necessity and only to be taken as a last resort.

After showing the relations of the States under the old Articles of Confederation, he says, referring to the Union :

"The Government has not even changed its name. Its powers were enlarged, but its character is the same ; and the relations between the States and the Government have been multiplied, but the nature of those relations is unaltered. The new Constitution is a compact between the sovereign States separately, as the old Confederation was ; and if this be so, and if the first Article of the Confederation expressly declares that sovereignty or supremacy is retained to the States,—denying the right or power of Congress to coerce or compel the States, the parties to it, to obey its edicts,—where is this right or power derived under the present Constitution ? I am constrained to think that it is derived nowhere, and that it has its existence only in the breasts of the parasites of power who wish to overthrow the liberties of the people.

" . . . That to some may appear a strange doctrine for the perpetuation of the Union of the States which allows one part to withdraw when under the feeling of oppression. But such err in their opinions on the strength of governments. The strength of all governments, and particularly republics, is in the affections of the people. A republic is a government of opinion,—it wavers and vacillates with opinion,—the popular breath alone is sufficient to extinguish its existence. Such is our Government. It was formed by each party entering it for interested purposes : for greater safety, protection, and tranquillity ; and so long as these ends are answered, it will be impregnable without and within. Interest and self-preservation are the ruling motives of human action, and so long as interest shall induce the States to remain united, the Union will have the support and affection of the people. A separation need not be feared. But whenever the General Government adopts the principle that it is the supreme power of the land, that the States are subordinate,—mere provinces,—that it can compel and enforce, and commences to dispense its favors with a partial hand, to tax and oppress a few States to the interest and aggrandizement of the many, or otherwise transcend its powers,—then will the days of our republic be numbered. For it is false philosophy to suppose that these States can be kept together by force. Dangerous elements are not the less to be dreaded by a compression of the sphere of their action ; neither are the energies of a people by an infringement of their rights. It is contrary to all observation on the conduct and motives of men. But let it be the established policy of the Government that it has no power over a State withdrawing from the Union when in her deliberate judgment the compact has been broken, and the others will soon cease, or rather never begin to oppress ; for the Union should be an advantage to all, but an injury to none."

Altogether a rather remarkable speech for a Fourth-of-July

oration, which is usually a synonyme for windy emptiness, "spread-eagleism," and sophomorical rhetoric.

The entries for some days now have little of interest. On July 21st he is "very anxious on account of my examination to-morrow," and on July 22d he "was this day admitted an attorney at law, and released from a great burden of anxiety."

In reference to this examination we find the following brief note in the Finkle correspondence:

"Toombs was at the court when I was admitted: I was not introduced to him, however. The next week I went over to Wilkes, and there we became personally acquainted; but how I do not recollect. Our acquaintance soon grew to intimacy. We were associated in some cases in 1835; in 1836 we were very friendly, and by this time always occupied the same room when we went on the circuit. In 1838 he proposed to lend me money to travel for my health. We had been in the Legislature together in 1837. He attended to nearly all the business that my brother could not do while I was gone. Our personal relations have never been interrupted from the first day of our acquaintance."

Thus in three months, despite his sufferings of mind and body, the interruptions of loungers, and the calls of the clerk for assistance, he accomplished, untutored, the round of preparatory studies, and was admitted a member of the bar of the Northern circuit. Judge William H. Crawford was then upon the bench. Colonel Joseph Henry Lumpkin, afterwards chief justice of the State, was the leading member of the committee of examination. After thoroughly testing the proficiency of the candidate, he remarked that he was not only thoroughly satisfied, but that he had never witnessed a better examination since he had been at the bar. Judge Crawford—the least flattering, if not the most plain-speaking of men, as much distinguished for candor and directness as for other noble qualities—replied that he had himself never known a better, and warmly expressed his gratification.

And now, his pupilage having passed, and a load of anxiety having been lifted from his mind; Lumpkin, Chandler, Cone, Dawson, Andrews, and others, leaders in the profession that he has adopted, having taken him by the hand and called him brother, he may at last feel that he is a man among men, and that the veritable business of life has begun.

## CHAPTER IX.

First Case—"Riding the Circuit"—First Fee taken—Hezekiah Ellington—  
A Desperate Strait and a Convincing Argument—A "Revival" and the  
Scenes there—Increase of Business—Buys a Horse—An Exciting Case—  
A Great Speech and its Effects.

THE leading lawyer of the county at this time was Mr. Swepston C. Jeffries. This gentleman had resolved to remove to Columbus, and Mr. Stephens had made arrangements to occupy his office for the rest of the year. The evening after Mr. Stephens's admission to the bar, Mr. Jeffries proposed to him to accompany him to Columbus and become his partner. Among other inducements he urged the prospect of large and profitable business, which he expected would yield them as much as five thousand dollars a year, and he was willing to guarantee to Mr. Stephens at least fifteen hundred as his share in any event. Stephens asked what Mr. Jeffries thought he could make in Crawfordville, and the latter pleasantly replied that he would guarantee him one hundred dollars. Content with this outlook, he declined his friend's flattering offer, preferring to cast his lot among the scenes and friends that were familiar and dear to him.

On the next day he has the prospect of a case, and we find the following entry in the journal:

*"July 24th.*—Was this day engaged for the first time in my professional line, with a contingent fee of about one hundred and eighty dollars. May a superintendent Providence look propitiously upon me! The little bark of my fortunes and my all is now launched upon a troubled sea, and a better helmsman than I am is needed. And now, in the beginning, I do make a fervent prayer that He who made me and all things, and who rules all things, and who has heretofore abundantly blessed and favored me, and to whom I wish to be grateful for all His mercies, may continue them toward His unworthy servant; that He may, though unseen, direct me in the right path in all things, and in all my intercourse with mankind; that



He may make me unassuming and not bold and self-confident; that He may inspire me with a sound mind and quick apprehension, and that He may so overrule all my acts and all my thoughts and my whole course that a useful success may attend all my efforts; that I may not be a useless blank in creation and an injury to men; but that I may be of benefit yet to my fellow-beings, that His name may be glorified in my existence, and most of all that, at least, I may ever be filled with a sense of dependence upon His arm for assistance in all things."

The next week after his admission the court sat in Wilkes. The lawyer must at least make a show of riding the circuit. How shall he manage to do so? The animal that figured in his Gilpin-ride suggests too many reflections connected with the instability of human affairs and the precarious tenure of human life. He could walk to Washington, but that would not be "riding the circuit." After due reflection he concludes to walk to his uncle's, a distance of about ten miles, carrying his saddlebags on his shoulders, and there borrow a horse. Of this walk he writes: "Starting about dusk, a long, dreary, lonely, and dark walk I had, well calculated to fill me with proper feelings of my humble condition, and depress my already low spirits. However, I was superior to circumstances, and with more fatigue than mental depression, I reached my destined place at eleven o'clock at night." The horse obtained, the rest of the journey was easy; and it was only necessary that he should remove the somewhat too suggestive marks and stains of pedestrian travel before entering Washington. For this there was a remedy. He had worn on the journey a suit of coarse strong material called "everlasting." Just outside the town he sought a sequestered spot, and exchanging his "everlastings" for habiliments of clean white cotton, the young barrister was prepared to enter the town, a cavalier without fear and without reproach on the score of his personal appearance. But a single day at court was all that the state of his purse or his wardrobe would allow; so having gone up on Tuesday, he returns on Wednesday, making the whole journey home on horseback, calling at his Uncle Grier's to take "Jack behind him to Crawfordville to carry the horse back."

Shortly after this he goes in company with several gentlemen to be present at the Commencement at Athens. He does not

tell us of the feelings inspired by thus revisiting the place where he had spent so many happy years. The lapse of time, and still more, the step that he has now taken into that active life for which those years were but the preparation, probably have quenched his old longings for its scholastic quiet and calm recurrence of studious hours. He only speaks of having spent his time there "very pleasantly, considering the great crowd;" then returns home, and in a few days passes another epoch in his life,—he receives his first fee. He thus speaks—with less emphasis than we should have expected—of this event.

"On Monday, August 11th, got a fee of twenty-five dollars, the first in hand yet received, and that was only a note from Mr. H. Ellington. Tuesday, regulated Mr. E.'s papers; Wednesday, ditto; Thursday, ditto."

This old Mr. Hezekiah Ellington, the first to pay, or at least to give a written promise to pay, a fee to the young lawyer, was rather a character in his neighborhood. He had some property, and a small store in which he kept cigars, some little groceries, and liquors. He loved to drive a hard bargain; yet once in his life he had been known to offer liberal—indeed munificent—payment for a very small service. As the circumstances were related by Mr. Stephens, we think it may not be out of place to relate them here.

The old gentleman, several years before, on his plantation, was brought very low with malarious fever, and his physician and family had made up their minds that, notwithstanding his extreme reluctance to depart from this life,—a reluctance heightened no doubt by his want of preparation for a better,—he would be compelled to go. The system of therapeutics in vogue at that time and in that section included immense quantities of calomel, and rigorously excluded cold water. Mr. Ellington lingered and lingered, and went without water so long and to such an extent that it seemed to him he might as well die of the disease as of the intolerable thirst that tormented him. Those who had him in charge took a different view, and seemed to think that if he must die it would be some consolation to the afflicted survivors that the disease had been first overcome. So, despite his supplications, water was persistently

refused for days and days. And still he lingered, despite the disease and the doctors, and seemed to take an unconscionable amount of killing. At last one night, when his physicians, deeming his case hopeless, had taken their departure, informing his family that he could hardly live till morning, and the latter, worn down by watching, were compelled to take a little rest, he was left to the care of his constant and faithful servant, Shadrach, with strict and solemn charge to notify them if any change took place in his master's condition, and, above all, under no circumstances to give him cold water.

When the rest were all asleep, Mr. Ellington, always astute and adroit in gaining his ends, and whose faculties at present were highly stimulated by his extreme necessity, called out to his attendant in a feeble voice, which he strove to make as natural and unsuggestive as possible,—

“Shadrach, go to the spring and fetch me a pitcher of water from the bottom.”

Shadrach expostulated, pleading the orders of the doctor and his mistress.

“You Shadrach, you had better do what I tell you, sir.”

Shadrach still held by his orders.

“Shadrach, if you don't bring me the water, when I get well I'll give you the worst whipping you ever had in your life!”

Shadrach either thought that if his master got well he would cherish no rancor toward the faithful servant, whose constancy had saved him, or, more likely, that the prospect of recovery was far too remote to justify any serious apprehension for his present disobedience; at all events, he held firm. The sick man finding this mode of attack ineffectual, paused awhile, and then said, in the most persuasive accents he could employ,—

“Shadrach, my boy, you are a good nigger, Shadrach. If you'll go now and fetch old master a pitcher of nice cool water, I'll set you free and give you *Five Hund-red Dollars!*” And he dragged the syllables slowly and heavily from his dry jaws, as if to make the sum appear immeasurably vast.

But Shadrach was proof against even this temptation. He only admitted its force by arguing the case, urging that how could he stand it, and what good would his freedom and five

hundred dollars do him if he should do a thing that would kill his old master ?

The old gentleman groaned and moaned. At last he be-thought him of one final stratagem. He raised his head as well as he could, turned his haggard face full upon Shadrach, and glaring at him from his hollow bloodshot eyes, said,—

“Shadrach, I am going to die, and it’s because I can’t get any water. If you don’t go and bring me a pitcher of water, after I’m dead I’ll come back and HAUNT you! I’ll HAUNT you as long as you live!”

“Oh Lordy! Master! You shall hab de water!” cried Shadrach; and he rushed out to the spring and brought it. The old man drank and drank,—the pitcherful and more. The next morning he was decidedly better, and to the astonishment of all soon got well.

This was the old gentleman who was our young lawyer’s first client, at least the first whose business occupied him, and the first to give him a promise to pay for services rendered. His accounts were evidently in a bad way, as his attorney spends three days in preliminary regulating, and how much more in collecting we cannot tell. However, he will get twenty-five dollars for it all, and that will support him for four months.

The entries in the journal now grow more irregular. The Ellington papers have given him a good deal of trouble, and take up much time. We find a note of his attendance at a religious meeting at the Baptist church, where, from the circumstances, there would seem to have been what is sometimes termed a “revival.”

“During the night services I witnessed a scene, which for villainy of heart and deep depravity of human nature displayed, stands equal to any, if not unparalleled, in my personal experience. And I have either been so unfortunate in my acquaintance, or so uncharitable in my deductions, as long since to come to the conclusion that there dwells but little good in the human heart. The house was crowded, and there was considerable excitement among the people; some exhorting, some praying, not a few crying aloud for mercy, with a few spectators looking on with due solemnity. Among these last I must rank myself.”

To be less circumstantial than our diarist: Among the

"mourners," as they were called, at the altar was a man who had a handsome young wife. While he was engaged in religious exercises, his wife was sitting on one of the rear seats, and a wild young man was making violent love to her. "I need not tell," he says, in conclusion, "how the furies seemed to urge him on, or how female weakness showed itself. Alas the world!"

Very deplorable, undoubtedly; but perhaps not altogether "unparalleled" to those who have studied nervous pathology.

In the same entry he thus refers to his first cash fee:

"On Monday, the 1st inst., made my first address to a court. It was the Court of Ordinary of this county. I spoke for James Farmer, and received two dollars in silver." "These four half-dollars," he afterwards said, "I kept a long time. I ought to have charged more for this and for the job of the Ellington papers; but I did not know the value of my services."

On September 8th he notes that a young gentleman, a Mr. Burch, has begun the study of law with him. "How the thing will ultimate I cannot tell, but hope for the best."

The thing "ultimated" very satisfactorily. Robert S. Burch, then and always one of the most upright of men, became one of the soundest lawyers at the Georgia bar, and afterwards Mr. Stephens's partner.

And now the time has come when Mr. Stephens thinks he must have a horse of his own. Besides the Ellington papers, he has another set to adjust, and these require more locomotion than he can perform on foot. With caution and many misgivings he sets about this momentous purchase.

"*September 10th.*—This day I was employed by Mr. Hilsman with the conditional fee of twenty dollars. But of all my business, the most important was the purchase of a horse. What will be the result of my first trade I can not tell."

He made a mistake in setting down the purchase of the horse as the most important business of that day. The visit of James Hilsman was much more important, as it proved. The matter at issue was this:

Uriah Battle, a son of Isaac Battle, who lived near Powelton, but upon the Taliaferro side of the creek, had married Amanda

Askew, of Hancock. To this marriage a daughter was born, and shortly afterwards the husband died, leaving a young widow and infant child. The elder Battle afterwards took out letters of guardianship of the person and property of the child. Some time after this the widow married James Hilsman, a man of intemperate habits, and highly objectionable to Mr. Battle, who claimed possession of the child by virtue of the letters of guardianship. The widow would not give it up; so the grandfather employed a man to get possession of the child by stratagem. The man called at the house, talked with the child and petted it, and at last, taking it in his arms, hurried off at full speed, pursued by the shrieking mother, and delivered it to the custody of the grandfather. It was then determined to appeal to the law, and the business referred to above was the employment of Mr. Stephens to take a course to secure to the mother the restoration and custody of her child. He therefore commenced proceedings in the Court of Ordinary, by taking a rule *nisi*, requiring Mr. Battle to show cause at the next term of court why his letters of guardianship as to the person of the child should not be revoked, on grounds set forth in the rule.

This case excited an astonishing amount of interest in both Taliaferro and Hancock Counties. The Battles were numerous and influential, and the greater part of the community, who knew the facts and circumstances, sympathized with them. On the day of trial, at the next term of court, men, women, and children assembled, some even from Greene, Warren, and Wilkes Counties. The young lawyer had thoroughly prepared himself upon all the nice and intricate legal questions on which he knew the case would turn. To familiarize himself with the evidence, and to try the various modes of presentation, he argued the case over and over, in divers forms of argumentation, and in free and passionate declamation in the solitude of a lonely hill-side.

The day and hour came. Court-house and court-yard were filled with hearers. Nine-tenths of them, though they knew Jeffries, the counsel for the Battles, well, had never seen Stephens. When he arose, trembling and pale, there was a deep silence. After a brief exordium, he warmed with his subject, and addressing himself to the feelings of the court (consisting

of five judges), burst into a strain of passionate eloquence that none of those present, save perhaps Jeffries and the Battles, could withstand. The picture he drew of the bereft mother was one which made every one forget that she had married Mr. James Hilsman, and was not now a poor widow robbed by death of the husband of her youth, and of the only pledge of their love by an enemy yet more cruel. In pleading for her child his eyes glittered and his voice quivered with the passion of a score of mothers. He planted himself upon the great law of nature that overrides all human statutes, or upon which all human statutes must rest. In vain had abundant testimony been advanced from the old burghers of Powelton that the child would be better cared for by the grandfather than by the mother in her new relation. All this was consumed in the fire of that eloquence, pleading for the sacred right of maternity. Men, women, and children wept; many sobbed aloud. The five judges tried to preserve the balance of their official dignity, but they could not resist the contagious emotion, and tears were seen rolling down their cheeks, and when the argument was finished, their spokesman, with faltering voice, pronounced judgment in favor of the mother.

The Battles gave it up; and the next day, at Powelton, Dr. Cullen Battle, a cousin of the grandfather, said, laughingly, "When that little fellow began to argue that even among the beasts of the forest the mother was, by the great law of nature, the keeper of her offspring, and would fight even to the death for their custody, and all the judges fell to crying, I knew that Isaac would have to give up Martha Ann!" No speech of any young lawyer ever added more to his reputation than did this of Mr. Stephens. Indeed, it created his reputation. He had hitherto been regarded by the multitude with indifference, and by a few, who had been the friends of his father, with compassion. But to-day, in the presence of all this multitude he had shown himself not only more than the peer of any lawyer in the county, but as destined to take rank with the first orators in the State.

## CHAPTER X.

A Hard Winter—A Friendly Rival and an Accurate Prediction—An Offer—A Trip “Out West”—An Indian Host and his Family—Interview with President Jackson—Uncle James Stephens—A Toast—Dr. Foster again—Friendly Counsels—Georgia Railroads.

THOUGH the odds, always apparently against him, have lately seemed heavier than ever, Alexander Stephens begins another year. This year, 1835, was memorable for storms and cold weather of all sorts. During the first three months the cold was more intense than had ever been known before, or has been felt since, in that region. The thermometer was often below zero of Fahrenheit, and once, on the terrible 8th of February, fell to  $-10^{\circ}$ .

All the entries in the journal down to February 22d, refer to nothing but the weather. He was always a great hand for making notes of the weather and meteorologic phenomena generally, of which perhaps our readers may have noticed an instance or two. So it has been in most of his letters. His delicate health, doubtless, made him more sensitive to these changes; and through January, and almost through February, he has apparently done nothing but sit by the fire and talk about the cold outside.

In the mean time there has been no new business of importance. The cold seems to have rendered men somewhat torpid, and less disposed to carry their grievances to court. He can live on six or eight dollars a month; but to live on it he must first make it. On this 22d day of February he talks awhile on what he has been doing, and on what he hopes to do.

“*February 22d.*— . . . Have been for some time in serious thought upon the subject of my future prospects; and feel compelled to leave a place to which I feel so much attached. . . . We have in this village a society for debate in which I take much interest, and in which I feel that I have a formidable competitor in A. R. W., one of my old classmates.”



This allusion in the journal brings to mind a conversation had with Mr. Stephens in 1866, in which this A. R. W. was mentioned. Mr. Johnston was then on a visit at Liberty Hall, and on one afternoon took a long walk with his host down the small stream to the north of the house.

"Along this branch," he said, "when I first came to the bar, I used to walk once or twice in every week to Thomas Ray's, whose wife was my cousin. I would go home with the children from school, and spend the night. The next morning, as I returned, I used to declaim in the woods that were here then, upon imaginary topics."

"It was at Cousin Sabrina Ray's that I first became acquainted with Dr. Foster, who afterwards became one of my best friends, the Mentor of my young manhood. He used frequently to go out there when worn down by his practice, in order to get rid of the multitude. When he went, he would lie on a bed and rest all day. He had a high esteem for Cousin Sabry, and called her cousin, as I did. I heard of his saying something about me in one of these visits which did me great good. At that time there was a debating society in Crawfordville. A. R. Wright,\* who was then residing there and practising law, and I, were usually on opposite sides of questions. Cousin Sabry, Mrs. Battle, and some other ladies were speaking of Wright and myself, when they appealed to Dr. Foster, who said, 'The difference between Wright and Stephens is about this: they will both get into Congress; but Stephens will get there in ten years, and Wright in twenty.' The report of this compliment gave me great encouragement. It was curious how near the prediction was to literal fulfilment. I was elected to Congress in nine years, and Wright in exactly twenty."

In the same entry he records a visit that he paid to his old friend and benefactor, Mr. A. L. Alexander, who, it will be remembered, had befriended him so kindly when he thought of preparing himself for the ministry. He made the call, which he felt to be one of duty, with many misgivings, for he did not know how his change of purpose was regarded, nor whether he might not be looked upon as ungrateful for not carrying out his benefactor's wishes. His reception, he says, was not unfriendly, but cool; and no allusion was made to his course or prospects.

"I endeavored to be familiar, and by some means to show that honesty of purpose of which I was conscious. But a most soul-killing feeling it

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\* Afterwards member of Congress and Judge of the Superior Court.

is to know one's self suspected, and to feel conscious that every attempt to exculpate or explain is viewed as only another evidence of guilt. This was my case; and feeling myself overwhelmed by fate, I took my leave as early as convenient, with a heart full of meditation, sore with reflection, torn with grief, and yet feeling that so long as life should last the remembrance of my first acquaintance with Adam L. Alexander, and its incidents, will be like the music of Caryl, pleasant, but mournful to the soul."

It was about this time that Mr. Jeffries removed from Crawfordville, and proposed to Mr. Stephens to go with him to Columbus and become his partner, as before mentioned. He relates the incident and the grounds of his refusal in a letter dated June 3d, 1856.

"I assure you that that part of my life which is by far the most interesting is that which was spent on the 'old homestead,' under the paternal roof, and in the family circle. That was the 'day-dawn' period with me. It was short, nor was it always happy,—far from it; but the remembrance of it has always been sweet though mournful. My strong attachment to the place, the hills, the springs, the brooks, the rocks, and even the gullies with which I was familiar from my earliest recollection, determined my whole course of life. By that alone my destiny has been controlled. It was this alone that caused me to settle in Crawfordville, close by, where I could visit them at pleasure. When I was admitted to the bar in 1834, the prospect of a young lawyer there without means was little short of starvation just ahead. The most liberal inducements were offered me to go to Columbus and become one of a firm, with a proffered guarantee of fifteen hundred dollars for the first year. This I declined for no other reason but a fixed determination I had formed never to quit, if I could avoid it, those places nearest my heart, where I played as well as toiled in my youth, about which I had so often dreamed in my orphan wanderings, and which I was determined to own in my own name if I should ever be able to make the purchase. This is what kept me at Crawfordville. And often during the first year after my settlement there did I walk down (for horse I had none to ride) to see those old familiar scenes, and earnestly look forward to the day when by aid of propitious fortune I might call them my own, and feel that whatever else might betide me, I had the place which of all others I wished to live at, and to be buried at when I die. This local attachment, I tell you, warped, shaped, and controlled my destiny. . . . The great object of my youthful days, to buy it back again, I was unable to accomplish until 1838. The owner, wishing to remove to Alabama, came to terms upon which we agreed, and I own it still. I have added considerably to it since; but it is all esteemed by me as the 'old homestead,' about which cluster the brightest images in the memory of my whole existence."

The entries from this time until March 19th relate entirely to the weather, which he chronicles with the conscientiousness of a meteorologist. The low range of the thermometer is noted with dismay. It has been the coldest winter in the recollection of living men. Here we have the first indications of its moderating:

"*March 19th.*—Cleared off in the night, with high wind from the N.W.; not very cold. To-morrow night, by appointment, I am to take part in our debating society in the discussion of nullification. Have bestowed some thought upon the question, but find the whole involved in much obscurity. I have found what I consider to be a correct definition of *Sovereignty*. It is a moral attribute, vested with full moral power, natural or adventitious, to do whatever is consistent with right and duty. In its nature it is inalienable: it cannot be transferred. It can be delegated as a trust, but can never be conveyed in fee. It is an *estate tail general* in the male line, secured through Adam to all his posterity, and of which no father can deprive his offspring, nor any government its subjects."\*

Having nothing to do this month, and but little promise for the next, Mr. Stephens determined to take a trip "out West" with a small party of friends. A remarkably succinct account of this jaunt, which was not very satisfactory, is given in the journal. "Robin Adair," the horse he bought, falls lame from a smith's clumsiness in shoeing him, which leads his owner to conclude that "it requires great skill even to shoe a horse." However, Robin manages to keep up with the party, and they push on across the Oconee, the Ockmulgee, the Flint, the Chattahoochee, and even the Tallapoosa, Alabama. They find the lands good; and our traveller thinks that there were good prospects "for all kinds of enterprises in which a man could so abandon himself to circumstances as to rush into the contest regardless of his character or that of his companions."

"There is no uniformity of character," he observes, "among the people of Alabama, the population being composed of immigrants from all parts of the world, and of all varieties of morals, dispositions, tempers, and conditions of life. The whole presents a heterogeneous mass of irregular and confused material, much needing the hand of time and education to shape and to form into symmetrical order."

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\* This embryo definition of sovereignty was afterwards considerably enlarged and accurately formulated in his *War between the States*.

To reach the objective-point of their travels they had to pass through the Creek nation, and lodged one night with an Indian. The circumstance is thus described :

“ We found that our host was a man of authority among his own people, the chief of his town. His name was Witholo-mico. He lives on the banks of the Tallapoosa, near his own ferry, about twelve miles above Autossee battle-ground. It was night when we arrived, and found for our accommodation that there were two cabins upon the premises, about twelve feet square and eight feet high each, and having puncheon floors. One had a small piazza in front, and both had the crevices between the poles of which they were built neatly stopped or daubed with red clay. Into one of these we, nine in number, were conducted, saddles, blankets, bridles, and all except horses, which were turned into a neighboring lot, where the chief gave them corn and fodder. We found but four Indians about,—the chief, his wife, and two others, one a boy. The wife soon arrayed herself in a new clean dress, seeming to think the dirty smock in which we found her not becoming the lady of a chieftain in the presence of white men. She then busied herself in preparing us some supper, which, when it came (in about an hour), consisted of fried bacon, eggs, corn-bread, and coffee,—very good fare for travellers. At table we had all the accommodations of civilized life, such as plates, knives and forks, cups and saucers, etc. But in the sleeping line we were not so fortunate. Two bedsteads were standing in two corners of the house, having, instead of cords, boards laid across their sides, over which were thrown some blankets. All our company were soon extended on one or the other of these hard couches,—all but myself. For my part I felt little like sleeping. The hour, the place, and circumstances allowed no repose to my mind. The lofty look and dignified mien of Witholo-mico (who had retired to the other house), his keen, deep-sunken eye, his strange guttural sounds, which flowed while speaking to his wife in such commanding eloquent tone, were all before me. Then the whole Indian history, the origin of that powerful race which once occupied undisturbed this vast extent of country, their habits as observed by the first settlers and before their contamination by the white man, their virtues, their patriotism,—all these, compared with their present sunk and degraded condition, crowded themselves upon my mind in such a tide of reflection, that I was absorbed in thought until almost the breaking of day.

“ In the morning, I was delighted to see the chief arrayed in his national costume, which I supposed he had donned in compliance with a wish I had made to that effect the evening before in his presence, not thinking that he could understand what I was saying. His dress was buckskin leggings, reaching up to the hip, beaded with materials of different colors, but mostly red, on the outer seams; a coat or gown reaching half-way down the thigh, also beaded in various parts; a shirt extending in peaked form in

front nearly to the knee ; a red band about the waist, which was elegantly beaded ; in front a kind of case or sheath for the reception of a large butcher-knife or dirk. This belt hung nearly to the ground, much like the sash of one of our field-officers. And to conclude, his head was bound about with a kind of loose bandage of red color, very full, passing directly around and across the forehead, leaving the top of the head perfectly bare.

"The chief had nothing to say to the whites, which I at first attributed to his want of acquaintance with our language ; but afterwards was disposed to think it owing to some other cause, either a sense of his superior dignity, or the fear of appearing to his own people to show too great familiarity towards foreigners, particularly their worst enemies. He kept himself close in his own apartment during the night, and though he was up early in the morning, and appeared very active and diligent in serving us and making us as comfortable as possible, yet all was done in the most dignified, reserved, and unrelaxing taciturnity."

The account of this trip, which our traveller characterizes as "much the longest journey I have ever accomplished," closes with an admission of his being on the whole well pleased ; but with an avowal of having no notion of settling in the region which he had traversed.

In May he took a trip to the North, in connection with which he relates two anecdotes which may not be out of place here.

One is his first and only interview with General Jackson. Mr. Stephens had left home on or about May 20th, travelling by mail-coach on the old Piedmont line. On taking the stage at Washington, Georgia, several parties announced the startling intelligence of the outbreak of hostilities in the Creek nation, and the massacre of the passengers on several of the United States coaches coming through. The passengers who got out at Washington were in the only coach on the train that escaped. Early in the morning after his arrival at the capital, Mr. Stephens called on the President to pay his respects. The General cordially shook hands, and insisted on his taking a seat. He was sitting alone by a fire, the morning being raw and cold, in his dressing-gown and slippers, his silver pipe lying by him on the floor. His first inquiry after his guest was seated was, "What is the news in Georgia?" Mr. Stephens said there was nothing of public interest, except an outbreak of Creeks, who had massacred the passengers of seven or eight coaches in the Creek nation, between Columbus and Montgomery ; an outrage

which had created great excitement at Columbus. "Yes," said Jackson, "I have just got a letter by mail—the lower route—telling me the alarming state of things in Columbus. In the name of God, where's Howard?" (Major John H. Howard, whom the Legislature had put at the head of a battalion to repel any outbreak of the Indians on the western border.) Mr. Stephens replied, "He was down about Florence or Roanoke by last advices." "Why don't he move his forces at once across the river?" "I don't know: there may be some question of jurisdiction, his being Georgia forces, under control of Georgia authorities." "Jurisdiction, by the Eternal! when the United States mail is robbed and citizens murdered!" And springing to his feet, "In the name of God, how big a place is Columbus?" "About three thousand inhabitants." "Why don't they turn out in force and drive back the Indians? Here I have letters calling on me for aid, and telling me the whole population is flying to the interior!" The General then grew calmer, inquired the distance of Florence from Columbus and the point of massacre, and asked about the Indian country. Mr. Stephens informed him, and spoke of his own journey through that country, and his lodging with Witholomico. The General knew that chieftain well, and was glad to hear that he was in no way connected with the outbreak. He kept Mr. Stephens for more than an hour; and the latter was greatly struck with his weakness and emaciation and the feebleness of his voice, and the power and energy he displayed when aroused.

The other anecdote is this: On his journey to New York, he turned aside to visit his old uncle, James Stephens, who lived in Perry County, Pennsylvania, near the mouth of the Juniata. The family, who had heard nothing of his coming, were at once surprised and gratified at seeing him. The uncle and some of the boys were out at work on the farm, but soon came in, and then an older brother's family were sent for. The aunt and the girls at once set about getting up a good country dinner in honor of the occasion. When all were seated at the table, the old uncle at one end and the aunt at the other, Uncle James asked, "Well, Alexander, what business are you pursuing?" He replied, "I am a lawyer." Instantly the whole table was silent.

The old gentleman threw down his knife and fork and looked at his nephew with a sort of horrified amazement, as if he had said he was a highwayman or a pirate. "What's the matter, Uncle James?" "Did you say you were a lawyer?" "Yes." "A lawyer?" "What of that?" With an expression of complete despair he asked, "Alexander, *don't you have to tell lies?*" His nephew, greatly amused, replied, "No, sir; the business of a lawyer is neither to tell lies nor to defend lies, but to protect and maintain right, truth, and justice; to defend the weak against the strong; to expose fraud, perjuries, lies, and wrongs of all sorts. The business of a lawyer is the highest and noblest of any on earth connected with the duties of life." This seemed to calm the old gentleman's fears.

A few entries more in the journal bring us down to the Fourth of July, and its inevitable oration. This time, however, A. R. W. has the first place, being the orator of the day; while to Mr. Stephens is assigned the reading of the Declaration of Independence. The ceremony closed with a dinner and the usual toasts.

"My sentiment," says he, "was this: '*Nominative Conventions.* Dangerous inroads upon Republican simplicity, and utterly inconsistent with the exercise of that free choice in the selection of their officers which constitutes the dearest right of freemen. May the intelligent people of this country never become the misguided dupes of a Jacobinical Directory!' Opposition was made, and the sentiment drunk by few. So, thought I, pass on the unthinking multitude, never considering their rights until too much endangered to be secured; never considering that they should think for themselves; but readily sanctioning whatever is endorsed for them by higher authority, thus becoming the fit instruments in skilful hands for the execution of any purpose. Strange, passing strange, that men, intelligent men, who ought to appreciate the cost and price of their franchises, will thus—but it is unnecessary to censure. The fact exists, and men are rather to be pitied than upbraided."

The dry season ended on the 13th of July with a glorious rain. This put everybody in good spirits; and our friend had that night much to write about the weather. He gives the whole chronicle of it for months, beginning with that trip to Alabama. Never was there a man, outside of those whose business it is to record these phenomena, who had so much to

say about the weather,—a habit which was to last as long as he lived. But the rain improves business as well as the crops, we find.

*“ July 16th.*—Business was quite lively to-day. William Jones, a merchant in this place, absconded, and left many creditors to suffer. I have since last night written twelve attachments, and I suppose that as many have been issued elsewhere. It seems to me that the laws providing for the satisfaction of the claims of absconding debtors are, like many others of our system, very defective. For they can be called nothing but a snatch-and-take. The individuals who are nearest the scene of action and can use their fingers the quickest, or have money to secure this end, can always be safe; while those at a distance, or such as are lying under some other disadvantage, are totally losers. Not only so, but our present system of attaching might be used as an instrument of the grossest fraud. For should a man of extensive securities and debts become too much involved to meet the demands upon him, and then communicate this fact to a few of his creditors whom he feels disposed to favor, it is evident that arrangements may be all made ready for the favored creditors to attach and secure themselves instantly upon the departure of the debtor, while others quite as justly entitled to relief are excluded by this *snatch law*. ”

A just criticism upon the law of Georgia, as it then stood, which provided that those attachments which were first levied should be first satisfied; a state of things which always created a rush and scramble among home creditors, while foreign creditors never heard of it until the debtor was beyond pursuit and his effects divided. This defect in the law has since been remedied.

The entries now contain but little of interest for a long time. In November he has a bit of business:

*“ November 27th.*—Went to Warrenton for the purpose of aiding McGuire in obtaining his enlargement. He was confined in jail for assault with intent to murder. Rain in the evening. I got three of the court together between nine and ten o'clock P.M. One drunk. Court could not agree upon the amount of the bond, and adjourned until eight o'clock next morning. Succeeded the next day in getting bail for McGuire; felt gratified at the relief afforded the prisoner.”

This release of the prisoner closes up the business of the year, as far as lawyer Stephens is concerned. It has not brought him much profit; but as he can come nearer than most men to living on nothing, while others of his professional brethren are moving



away in search of less sterile pastures, he still clings to the old place. The little money that he can save he spends on books; the much time at his disposal he employs in reading them. An extract from the Finkle correspondence will throw some light on this period.

"No one can imagine how I worked, how I delved, how I labored over books. Often I spent the whole night over a law-book, and went to bed as the dawn of day was streaking the east. My business increased, and I studied hard to keep up with it and keep the mastery over it. My brother, A. G., who in 1834 taught school in the Asbury settlement, visited me often, and we spent many pleasant evenings together, when there was no preaching in town, in walking over to the old homestead, and running over the hills and up and down the branches. These excursions constituted most of my recreation during these two years, except when I went up to see him, or went on a visit to Uncle Aaron G. Grier and old Aunt Betsey. My time was occupied almost constantly on weekdays in reading, studying, and office business. I never lounged about with village crowds."

Dr. Foster and Mr. Stephens became quite intimate in the course of time. He found the doctor to be, as he often expressed it, "a most wonderful man." His knowledge was surprising; not in his profession only, but in history, science, and art. From him he obtained a fund of information which he could not then have known how to find elsewhere. This Mentor of his youth, as he used afterwards to call him, often withdrew him from his studies when he seemed to be too deeply immersed in them, and forced him to relax a little. On some mornings the good doctor would present himself on horseback at his friend's office, saying that he was going on a professional visit of ten or fifteen miles, and had come to take Mr. Stephens with him. No remonstrances or pleas would avail; he must get a horse and be ready by the time the doctor returned from a visit in the village. So the horse was got, and forth the two would sally, to be gone sometimes until the next day. In these excursions he not only improved his health by the exercise and relaxation, but he learned much from Foster's well-stored mind and large experience, and gathered from his friend wisdom of a kind that is not to be found in books. The worthy doctor knew the world, its good and its evil, and would advise as one

who knew. He had himself struggled up through poverty and other adverse fortune, and had learned that integrity and industry, even without extraneous aid, will surely in the end bring success. His example bore out his precepts; and whenever his young friend felt like despairing, the sight of this excellent and brave man, who, after long toils and the buffetings of adversity, had patiently worked his way alone to prosperity and reputation, gave him courage to press on and patience to endure.

In the year 1836 litigation was destined to increase. Money was becoming more plentiful, and, the usual result, the tide of speculation was setting in. All things were preparing the great financial crisis which was at hand. Stephens was now established in reputation, and his business was extending into other counties besides Taliaferro. The problem of living, at all events, was settled for him; and Foster felt that he could now afford to unbend a little, and open his mind to other than professional topics. The subject of railroads was then, as we have seen, attracting much attention. This subject Dr. Foster had studied until he was as thoroughly acquainted with it as any other man in the State; and indeed was the prime mover in the enterprise of building the Georgia State Road. Mr. Stephens did not know, while listening as Dr. Foster descanted upon the magnificent results sure to follow the adoption of this system, that he was then being trained to act as its champion before the General Assembly of the State. But the doctor knew.

## CHAPTER XI.

Political Review—The Two Great Questions—The National and Federal Plans—The Two Parties—Powers of the Federal Government and of the States—Great and Small States—Meaning of the Two Houses of Congress—Different Interests of the Northern and Southern States—Apportionment of Representation—The “Three-fifths Clause”—The Tariff—The North wishes to cede to Spain the Navigation of the Mississippi—Ingenuous Strategy—The “Alien and Sedition Acts”—Resolutions of 1798 and 1799—War of 1812—Acquisition of Louisiana—Mr. Quincy, of Massachusetts—The “Missouri Compromise” made and broken—Mr. Clay’s Compromise—“Internal Improvements”—“Protective” Tariffs—“Nullification” Movement in South Carolina—A Threatened Collision—Northern and Southern Democrats.

IN order rightly to understand the political career of any American statesman, and to comprehend the significance and tendency of the events in which he has borne a part, we must not limit our view to the events themselves, but must look beyond them into the causes of which they are but the visible effects. And such a course is especially necessary in the case of a man like Mr. Stephens, whose actions have been guided throughout by fundamental principles, and not by temporary motives of convenience or expediency.

At the root of all the great and very many of the small political questions that have divided the councils or agitated the citizens of the Federal Republic from the adoption of the Constitution and even before it, to the present day, will be found two fundamental causes of dissension,—two, which afterwards became merged into one. These gave birth to the great parties that, under various names, have divided the American people: in every important measure we may trace their operation, and in every considerable debate we find their champions. From these all later divisions have sprung: their irreconcilable antagonism brought on the war between the States: they are still operative in shaping the destinies of the country; and if we

thoroughly comprehend them we shall hold a clew that will lead us through the intricate labyrinth of American politics.

The remodellers of the Articles of Confederation found themselves brought face to face with perhaps the most difficult task ever undertaken by man, and with no previous experience to guide them. They met, not as the delegates of a people, but as the representatives of twelve distinct and independent sovereignties which they proposed to combine, by solemn compact, in a Federal Republic, so framed that while this republic should oppose the strength of a great State against foreign aggression, it might also offer the security which a small State affords its citizens against domestic tyranny. They had to present to States still glorying in their newly-won liberty the concessions which such an organization required, in a form that would least alarm their jealous independence; to reconcile, as best they could, antagonistic interests; to balance conflicting powers, and to adjust the various departments of the new-modelled organization so that neither should attain a dangerous preponderance, nor any collision occur in their working for the common interest. And all these adjustments had to be made, not for a territory definitely limited by natural boundaries, but for a country capable of indefinite expansion in almost every direction. In scarcely one of these points did they quite succeed; but it is matter of amazement that they accomplished what they did.

The first and greatest difficulty that they had to cope with, and which very nearly proved fatal, was the adjustment of the relations between the Federal Government and the States. In the Convention of 1787 there was a considerable party who either naturally leaned towards a monarchy in substance if not in name, or thought the danger of foreign aggression far greater than that of the tyranny of a majority, or else trusted that of such a majority their own States would form a component part. These were for increasing the strength of the Federal power at the expense of the States; and they urged the advantages and even the necessity of a "strong government," and the danger of the States flying off at the first clash of colliding interests, and the whole fabric crumbling to its elements. This party, at the outset, presented to the Convention what was known as the

“Virginia plan” of union, under which the States would have been merged into a consolidated national Republic.

On the other hand, it was forcibly urged that the States proposed to form this union for the security of their recently-won liberties, and not to place upon their necks a heavier yoke than that which they had cast off; that to give power to the Federal Government was simply to give power to the majority, always disposed to trample the interests of the minority under its feet. So great was this apprehension of the tyrannous instincts of majorities, that it is probable that their efforts would have accomplished nothing but for the fact that the States then in the minority expected soon to find themselves in the majority.

This question, after infinite difficulty, and after the Convention had been several times at the brink of dissolution, was at length settled. The Virginia plan of a National government was rejected, and the Federal form continued. To the Federal Government was conceded just so much additional power and no more, with the necessary new machinery for its execution, as was thought to be requisite for the performance of the functions entrusted to it. It was permitted as before to declare war and conclude peace with foreign powers, to make treaties, to establish a uniform coinage and system of weights and measures, to act as umpire between the States, and so forth. As the States delegated these powers to the Federal Government of course they waived their own right to exercise them, and declared the laws of the United States to be, in these points, the supreme law of the land, so far as its acts were in conformity with the compact of unity,—that is, that they were paramount over the *laws* or *constitutions* of the States in those matters which the States had placed under Federal control. In all other matters the States explicitly reserved their own sovereign rights, as was expressly asserted in the Constitution itself (X. Amendment) and in the acts of ratification.

With this strict and carefully-guarded limitation of its powers the Federal Government was formed. But the two antagonistic principles still remained, and gave birth to two great parties. Under the varying names of Nationals, and divers others, have been grouped the original Consolidationists

of 1787 and their successors, whose constant policy has been to bring the Government as nearly as possible to the form of the Virginia plan. They have steadily aimed at an increase of the Federal power at the expense of the States (since, all powers being divided between them, whatever the one wins the others must lose), favored those measures that from time to time arose involving such increase, and inculcated the idea of a "National government," an idea and a term proposed to, and unanimously rejected by, the Convention of 1787. The tendency of this party, when carried to an extreme, leads to consolidation of the States into a nation; in other words, the transformation of a union of Republics into an Empire.

By the opposite party, known at various times under the names of Republicans, Democrats, and later, State-rights men, it was persistently insisted upon that the liberties of the people were sufficiently secured by the Articles of Confederation under which they were achieved; but that those Articles were chiefly defective in this, that the acts of Congress within the sphere of their limited powers under these Articles could not act directly upon the people, but depended for their execution upon the sanction of the States respectively. This side insisted that the only proper and required changes in the Articles they were then called upon to remodel was to so change the organization and machinery under it that the Federal Government should have as supreme authority to execute all the delegated powers as the States had in all the reserved powers. The Federal Government was to be as perfect a conventional State, within the sphere of its delegated powers, as each State in that of its reserved powers. They were utterly opposed to a consolidated republic, and in favor of preserving the federative feature. Since that time this party has been jealous of the sovereignty and reserved rights of the States, and dreaded every step toward consolidation.

Both these parties originally took the broad ground of consulting the good, not of any section, but of the whole country, and they were therefore great and legitimate parties. It was left for a later day to produce sectional parties avowedly consulting the welfare of their own sections only. When that point had been reached a rupture was inevitable.

Out of this great primary question grew a secondary one, the adjustment of relations between the great and the small States. In the Convention, where the voting was by States only, each State had an equal vote; but it was manifestly unfair that in the government there should be no proportionate representation of the greater population and vaster interests of the large States over those of the small ones. Without some such representation the large States would have refused to sanction the plan; the great State of New York, for instance, would never have allowed her vote and influence to be cancelled by the little State of Delaware, if ever their interests happened to clash.

On the other hand the small States entered the Convention as equal sovereign powers, and they were resolutely determined not to abdicate that position. Delaware was not disposed to allow her vote to be swallowed up by that of Pennsylvania, as if she were merely a county of that great State. The jealousies and apprehensions of the small States on this point were very great; and Rhode Island kept entirely aloof from the Convention, was not represented in it, and deferred acceding to the Union until 1789.

This difficulty was at last overcome by the mode of constituting the two branches of the Federal Legislature; the lower House being constituted to represent the *people* of the several States (not the people of the United States, who cannot act in their collective capacity, and have no existence as a political entity) proportioned in numbers to the population of each State, and elected by popular vote; the Senate representing the States themselves (not the Legislatures of the States) as separate and equal sovereignties, and in it the States, whether large or small, have an equal representation, chosen by the State Legislatures. Thus the Senate, it was thought, in which the smallest State has an equal voice with the largest, would check the aggressiveness of numerical majorities. Of course the case might occur, when the States grew more numerous, that a common interest might band together a majority of States including the largest, which would then control both the Senate and the House; but against this contingency it was impossible to provide. Much stress, too, was laid, in the discussion of these questions, on the conserva-

tive nature of patriotism, which, it was assumed, would induce majorities to forego some advantages for the sake of the welfare of the whole,—a cheerful optimism hardly warranted by history, and not confirmed by the results.

It should be noted that in the plan finally adopted by the Convention the Government still remains a government of States, and for States, because no law can pass if a majority of States (in the Senate) be against it.

Another problem, springing out of this great question, arose in the distribution of the powers of the Federal Government. The President was empowered to withhold his consent and signature from any bill of which he did not approve, which could only then become a law upon receiving the votes of two-thirds of both Houses of Congress. Thus, if the President believed a bill to be unconstitutional, he could, by his veto, interpose the shield of the Constitution to protect the minority. And even if an unconstitutional law received the President's approval, or were passed by the requisite majority over his veto, cases occurring under it could be carried to the Supreme Court of the United States, and the validity of the law tested there; and from this tribunal there was no appeal in the matter of rights between the parties as thus adjudicated in the case made. This was a strong barrier in the way of the Consolidationists, who have since endeavored to make both the President and the Supreme Court subservient to Congress.

The second fundamental and permanent cause of dissension arose from the diverging interests of the Northern and Southern States. The States of New England had a sterile soil and a rigorous climate, unfavorable to agriculture; but they enjoyed great advantages of water-power for manufacturing, and of bays and harbors favorable for shipping. Hence they devoted their chief attention to manufactures, commerce, and fishing. The South, with a fertile soil and genial climate, devoted herself to agriculture. The system of African slave-labor, formerly in use in all the States, had worked to great advantage in the South, while in the North it had proved unprofitable; and though Massachusetts alone had formally abolished it, the other New England States looked to its extinction in their territory.



From this difference several questions arose. Maryland and Virginia desired a stop put to the importation of slaves from Africa; South Carolina and Georgia desired its continuance. This traffic was carried on in New England vessels; and consequently the New England States, without exception, argued and voted for its continuance. This question was settled by its continuance until 1808, and no longer. The provision for the return of fugitive slaves was adopted unanimously.

Another question arose upon the apportionment of representation among the States. As, at the North, the entire population, including women, children, paupers, and idiots, were included in the estimate, the South demanded that the slaves should be so estimated. But as such an estimate, however just, would have given the Southern States a majority of representatives, the North vehemently opposed it, on the ground that slaves, being articles of merchandise, could not be included in the population. The South replied that they were persons, and a producing class, and fully as well entitled to rank as population as were the non-producing children, idiots, and paupers of the North, or as the free negroes. It was finally compromised by estimating five slaves as equal in the production of wealth to three free persons,—an estimate already fixed upon in apportioning direct taxation. This left the South slightly in the minority in the House of Representatives.

Closely connected with this was the question of the regulation of commerce, including the power of imposing tariffs. The Eastern commercial and manufacturing States earnestly desired to get this great power into their hands; and if these acts could be passed by a mere majority of votes, they would have this power, as the North already outnumbered the South in both Houses,—Delaware being then considered a Northern State. The South, therefore, insisted that acts to regulate commerce should require a two-thirds majority. However, they finally yielded this point, and entrusted the control of commerce and navigation to a bare majority,—that is, to the Northern States.

In truth, at this time the Southern States expected soon to find themselves the majority, as it was admitted that their

growth was then more rapid than that of the Northern States. But the North was determined so to use her tenure of power as, if possible, to make it perpetual. Two points may be mentioned :

Before the formation of the new Constitution, Virginia had ceded to the United States collectively her vast territory northwest of the Ohio, and agreed that it might be, in process of time, organized into non-slaveholding (and therefore Northern) States. But to this immense gift she attached two conditions, both of which were accepted, but only one of which was kept. She stipulated that not more than five States should be made out of this territory. She also stipulated that these States should bind themselves to return fugitive slaves ; this they, at a later date, refused to do.

While thus endeavoring to increase their own power, the Northern States also strove to check the growth of the South. Immigration was setting strongly toward the Southwest, and the South calculated on the accession of new States in that region. To check this the North hit upon the device of ceding to Spain the exclusive right to the navigation of the Mississippi,—a policy which would have effectually stifled the growth of the Southwest. Fortunately, the attempt was made a little too soon,—before the adoption of the new Constitution—as under the Articles of Confederation a two-thirds majority of the States was requisite for concluding a treaty. This majority they could not obtain ; and they therefore had recourse to a very ingenious expedient. Their device was this : to pass, by the two-thirds majority, a series of instructions to the Secretary of State, authorizing him to conclude a treaty with Spain, but forbidding the concession to that country of the claim of the States to the control of the Mississippi. This passed, they proposed to repeal, by a bare majority, this prohibitory clause, leaving the Secretary free to conclude a treaty in accordance with their wishes. This stratagem, however, when revealed, excited so much indignation that it was abandoned.

Thus, as we have seen, and shall more fully see hereafter, these two great antagonisms—the antagonism between those who favored a National and those who favored a Federal government, and the antagonism between the North and the

South—underlay all important political questions, and drew nearly all minor questions into their vortices. Every measure that tended to strengthen the central government or to weaken the States was favored by one party and resisted by the other. As the Northern States were usually in the majority, and the Constitution, which so jealously guarded the liberties of the States, was the shield of the minority, the North is usually found advocating a “liberal construction” of the Constitution, and the South a “strict construction.” But when an occasion arises in which a part of the Northern States find their interests at variance with the wishes of the majority, we see them at once appealing to the Constitution, and urging the reserved rights of the States.

During the administration of Washington several attempts were made to invade the true meaning and spirit of the Constitution, and these originated with the former National, at this time called “Federal,” party. They endeavored to induce Congress to adopt measures looking to the abolition of slavery. This was an invasion of the rights of the States, and Congress declared that it had no authority to interfere in the matter. Other measures also came up, relating to representation, finance, and the establishment of a Bank of the United States, in which attempts were made to bring the States nearer to consolidation, or to increase the powers of the central government.

President Adams was an adherent of the National party, and under his administration attempts were made to confer new powers on the President and Congress. The “Alien and Sedition Acts” empowered the President to banish foreigners without trial, and laid heavy penalties on persons who, by speech or writing, should defame either the President or Congress. Against these measures, as gross violations of the rights of the States and the liberties of the citizen, the Legislatures of Virginia and Kentucky protested in their celebrated Resolutions of 1798 and 1799, but without immediate effect, though the agitation which they produced contributed largely to the political revolution which placed Jefferson in the Presidency.

This election was a triumph of the Strict-Constructionist, States-Rights or Democratic party, and during the administra-

tion of Jefferson it preserved its ascendancy. Madison, who succeeded him, had at one time been a leader of the Nationalists, but had since become an upholder of the views of Jefferson, and had supported them in his able Report to the Virginia Legislature in 1799.

During Madison's administration, which lasted for eight years, events occurred which changed the position of the great parties. The hostile acts of France led to the Embargo Act of 1807, and the conduct of England brought on the war of 1812. Now, as we have seen, the Eastern States were largely interested in commerce, which suffered greatly by the war, and by the preliminary state of non-intercourse. But the war was popular with the Southern and Western States; and New England found herself in the position of a minority. Instantly there was a complete reversal of her views, and she began to shelter herself behind the shield of the Constitution. Instead of a "liberal," she now demanded a "strict construction" of that instrument; and in the Hartford Convention vehemently appealed to the sovereignty and reserved rights of the States, and even looked to a secession from the Union as a last resort,—a measure which was rendered unnecessary by the conclusion of peace with Great Britain. The alliance of the Western States with the South, to which they were naturally inclined by community of interest, filled her with apprehensions; and from this time it has been the steady policy of New England to keep the Western States under her influence and tutelage, and to estrange them from the South; to foster the growth of the Northwest territory, out of which non-slaveholding States could be formed; and, as far as possible, to hinder the natural growth of the Southwest, the accession of new States from which would have tended to restore the balance of power.

Thus, the proposed acquisition of Louisiana met with violent opposition from some of the Eastern members in Congress. As usual in such cases, they took high ground of strict construction and State-rights. Their ablest orator, Mr. Quincy, of Massachusetts, declared that the measure would result in changing the relative proportions of power between the existing States,—a thing unconstitutional and not to be borne; that it was a "usur-

pation dissolving the obligations of our national compact ;” and that, “if this Bill passes, the bonds of the Union are virtually dissolved ; that the States which compose it are free from their moral obligations ; and, *as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation,—amicably if they can, forcibly if they must.*” These remarks having been pronounced out of order by the Speaker, the majority of the House reversed the decision and declared them in order. Mr. Quincy thanked God that he and his constituents “held their lives, liberty, and property by a better tenure than any this National Government could give,—by the laws, customs, and principles of the Commonwealth of Massachusetts.”

These incidents show how broad principles of general policy were being ever more and more subordinated to sectional interests. So long as New England found herself in the majority, she favored the increase of the powers of the Federal Government, which that majority would control. Whenever, from a coalition of part of the Northern States with the South, she found herself in a minority, she at once became strict constructionist, and fell back on the reserved rights of the States, even to the point of openly threatening secession.

These crises were causes of real and well-grounded alarm to New England. As the tariff,—which from a simple source of revenue had become a system of protection intended to enrich the manufacturing interest at the expense of the agricultural,—the control of commerce, navigation, etc., were of vital importance to this section, it regarded the prospect of falling into a permanent minority as little less than ruin. And this state of things would inevitably occur whenever the agricultural States of the Northwest should be drawn by community of interests into a community of policy with the South. Hence the necessity of attaching them to herself by some common point in which the West agreed with the New England States and differed from the South. In truth, the slave-system of the South was not an injury, but a source of great benefits to the North, for to it was due the wealth of which so large a part flowed into Northern coffers under the operation of the tariff ; and hence the doctrines of those who proposed its entire abolition met for many years

with but little favor. The Southern States then existing were not feared, and the North would have been glad to see them prospering in any way that did not involve an increase of political power; nor were theirs conscientious scruples regarding the rightfulness of slavery. Both these points were illustrated in the desire of the Eastern States, in the Convention of 1787, to continue indefinitely the African slave-trade. But their aim was to hinder, as far as possible, increase of the number of Southern States, and to establish a line of demarcation, both geographically and politically, between the North and the South. This mode of procedure had several advantages: it was an attempt to curtail the rights of the States, which the North, so long as she was in the majority, was ever disposed to invade; and it was a sentimental question, on which feeling and fanaticism could be aroused,—far more effective instruments of agitation than the cool reasonings of political economy.

In 1819–20 this policy was brought into action. In the former year Missouri applied for admission as a State. The lower House refused to admit her without the addition of a clause to her Constitution abolishing slavery. From this the Senate, where the Strict-Constructionists had a majority, disagreed, on the ground that such a restriction was unconstitutional, and in violation of the terms of the treaty by which the great territory of which Missouri formed a part had been purchased from France, in which treaty it was stipulated that the existing and future occupants of that territory should retain, under the United States, all the rights that they enjoyed under the government of France. So the bill was lost for want of agreement between the two Houses. In the next session the application was renewed; and this time Maine also was applying for admission. The Senate proposed to include both in one bill, with no restrictive clause on either, but this the House would not agree to. At last, as a compromise, it was proposed to disconnect the two bills: to pass the Maine Bill as first offered, and to attach to the Missouri Bill an amendment providing that in the future slavery should be forever prohibited in all the rest of the territory acquired from France by the Louisiana treaty lying north of 36° 30' N. latitude. This compromise, although considered

by some unconstitutional, and in direct violation of the treaty with France, finally passed both Houses ; and under it Maine was at once admitted, the line of  $36^{\circ} 30'$  being at the same time established.

This was in March, 1820. In the following December, at the opening of the session, the Representatives from Missouri presented themselves, and were refused admission unless that State would abolish slavery, even Maine voting against keeping the compact under which she had herself been admitted. But the feature of that arrangement by which the North gained, the prohibition of slavery north of  $36^{\circ} 30'$ , she refused to abandon, even when appealed to ; thus retaining the purchase-money and at the same time withholding the article purchased. It is this establishment of the line of  $36^{\circ} 30'$  that is usually meant by the "Missouri Compromise"; a double misnomer. It was not a compromise, but only *one-half* of a compromise, the equivalent half being withheld ; and under it not *Missouri*, but *Maine*, was admitted.

These proceedings naturally created much excitement throughout the country. The Democratic party at the North saw that the antagonism between the sections had been made the pretext for a violation of the Constitution ; that an invasion of the rights of the States had already been accomplished ; and it took the alarm. A pressure was brought to bear upon some members of the House which rendered them desirous to change their action at the next session, if any means of doing so creditably were offered them. At this juncture Mr. Clay came to the rescue. There was in the Constitution of Missouri a clause prohibiting the immigration of free blacks, which was objected to as unconstitutional. Mr. Clay offered a resolution that the State should be admitted if she would rescind the obnoxious clause. The measure was superfluous, inasmuch as the clause, if contrary to the Constitution, was of itself a nullity ; but it afforded precisely the loop-hole wanted. Members could now justify their votes on the ground of devotion to the Constitution, and appear consistent while they yielded to the wishes of their constituents. Mr. Clay's resolution was adopted, and Missouri, upon amending her Constitution as required, was admitted as a State in 1821.

This settlement quieted matters for the time ; but it was a decided advantage gained by the Consolidationists, as it yielded to the Federal Government power to legislate in advance for future States in matters over which they alone rightfully had control, thus overstepping its constitutional limitations.

Two other questions soon arose to agitate the country. One was as to the policy of authorizing the Federal Government to apply a part of the surplus revenue to the making of roads, improving the navigation of rivers, etc., or what were called "Internal Improvements" in the several States. The main objections to this policy were, that it was another step toward enlarging the powers of the Federal Government, and an interference with the rights of the States ; that it dangerously increased Federal patronage and influence, and that it put it into the power of Congress to favor some States at the expense of others,—apprehensions which were all conspicuously justified by events.

The other question was that of the Tariff. The necessary revenue of the Federal Government was raised by duties upon imports, a system more convenient of management and less objectionable to the people than the juster but universally disliked plan of direct taxation ; and so far as it was employed simply for revenue purposes, this plan worked sufficiently well. But the public debt created by the war of 1812 made a large increase of revenue necessary, which was provided for by increasing the duties. These increased duties on foreign goods, enabling American manufacturers to raise their prices to the extent of the duty, largely increased the wealth of the manufacturing interest, now very important in the Eastern States. To this system they gave the propitiatory name of "Protection" ; and having once tasted the sweets of it, they increased their demands, placing them on the patriotic grounds that it was for the advantage of the country that American manufactures should be cherished, even though the result proved, as was contended, that the expense was chiefly borne by one section, and the profit all accrued to the other. So the Fishing Bounties, another device for taxing the whole country for the benefit of New England, were defended on the ground that the fisheries



were "a nursery of American seamen." In the tariff of 1824 these protective duties were increased; but it was accepted by the South, trusting that when the public debt was extinguished the policy would be abandoned. In 1828 the protective duties were again largely increased, and much agitation arose in the Southern States, as it was evident that the appetite of the manufacturing interests increased in proportion as it was fed.

In 1831, President Jackson announced to Congress that the public debt was nearly paid, and recommended the reduction of the tariff to a revenue-point. Congress replied by taking off duties on articles not affecting the manufacturing interest, but retaining the rest; thus showing a determination to fasten the protective policy on the country. Great excitement followed, and the Legislature of South Carolina called a convention of the people of that State in November, 1832, to consider what was to be done. At this convention an ordinance was passed declaring that these Tariff Acts were unconstitutional and void; forbidding any attempt to carry them out in the State, and threatening withdrawal from the Union if the Federal Government undertook to enforce them. A collision between the Federal and State authorities seemed imminent. President Jackson issued a proclamation declaring that he would do his duty in enforcing the laws; but admitting that injustice had been done the State, and appealing to them to seek redress in the ways constitutionally provided. The Legislature of Virginia requested the authorities of South Carolina to suspend their action until the close of the existing session of Congress, and appealed to Congress to modify the obnoxious acts. Mr. Clay immediately introduced in Congress a bill providing for a gradual reduction of duties, and the abandonment of the protective system, which passed on March 2d, 1833, and on the 15th of the same month South Carolina rescinded her Ordinance of Nullification.

The peculiarity of this doctrine of nullification lay in the position that the State courts were competent judges of the constitutionality of a law of the United States, which might therefore be abrogated in one State while held valid in all the rest. It was this position that General Jackson resisted, declaring that no State could remain in the Union and refuse to obey the

Federal laws. The right of secession from the Union was not brought into question.

We have thus cursorily sketched the great fundamental questions which have been the sources of political division in this country, and the most important crises to which they gave rise, down to the time of Mr. Stephens's appearance in the arena of politics. Had the two questions at any time coalesced into one—had the North been all National, or for Federal aggrandizement, and the South all Democrat, or for Federal restriction—the union of the States would soon have come to an end. But the fact that there were two questions instead of one—that there was a large and important body of Democrats at the North, and one of Whigs at the South—made the division general and not sectional; and by the lapping-over, so to speak, of parties, kept the States together.

It is true that between Northern and Southern Democrats, and between Northern and Southern Whigs, there was not absolute identity; but there was a sufficient agreement on main principles to enable them to act in harmony. Thus the Democrats of both North and South, agreeing on fundamentals, were enabled for many years to maintain a majority in the Federal Legislature. This perfectly legitimate action was what came to be called in after-years, when the Abolition party had gained importance and conspicuousness disproportioned to its numbers, and when the element of abuse had come to be a prominent feature in political discussion, "the domination of the slavery-craze," and "the North crouching beneath the crack of the slave-driver's whip." In point of fact, the South was always in the minority and would have been overridden by the North, but for the fact that a large Northern party believed that the chief political doctrines held by the majority at the South were those most conducive to the liberty and prosperity of the whole country.

These preliminary remarks will give an idea of the general drift of politics and the position of parties up to the time when Mr. Stephens embarked in public life.

## CHAPTER XII.

Mr. Stephens elected to the State Legislature—Speech on the Railroad Bill—Letter of Hon. I. L. Harris—Severe Illness—Controversy with Dr. Mercer—Re-election—Voyage to Boston—Letters to Linton Stephens—Visits to New York, Pennsylvania, and Maryland—Tries the White Sulphur Springs with Advantage—Friendship for Mr. Toombs.

IN the autumn of 1836 Mr. Stephens became a candidate for the State Legislature. The citizens of Taliaferro County, though nearly unanimous in the matter of State or general politics, were divided into two local parties by the rival claims of two influential families. With both of these Mr. Stephens was on friendly terms; but his avowed preference for one of the candidates for the State Senate excited the hostility of the friends of the other; and he thus, against his will, became identified with what was called the "Brown," in opposition to the "Janes" party, which had hitherto been in the ascendant. From the latter party he met with strong opposition, and the contest which ensued was sharp. On several points his views were not in entire agreement with the prevailing sentiment of the people. He had taken ground against the doctrine of nullification, holding that while a State had a perfect right to withdraw from the Federal compact if she believed it violated, she could not remain in the Union and refuse to obey the Federal laws.

Another ground of opposition to him was found in the strong position he took against the formation of a Vigilance Committee to punish persons found circulating what were termed "incendiary" documents among the slaves, or instigating them to flight or deeds of violence. The occasion for such committees was brought about by the practices of the Abolitionists, who had been for years attempting by means of secret emissaries to excite discontent, insubordination, and revolt among the slaves; and the citizens of the South, growing indignant, had in many cases

resolved to visit these instigators of crime with summary punishment at the hands of Vigilance Committees. To this unlawful course Mr. Stephens was opposed, desiring to see no remedies resorted to that were not provided by the regular means of justice. This brought upon him the charge of being an opponent of African slavery. He, however, defended his course, and explained his position on the subject so satisfactorily as to gain the election by a vote more than double that of his highest competitor.

These were times when the best and ablest men were not, as of late years, averse to entering the General Assembly; and it is not often that a larger number of such men have been assembled in any State Legislature than were now in this. Mr. Stephens, however, was an invalid during almost the entire session, having been prostrated by severe fever from August 22d to a few days previous to the election in October, and he was long in recovering from the effects of this attack. While in the House he took but little part in the transaction of business, but devoted himself to studying the men and things around him. He had seen upon how shallow and fleeting a foundation mere verbal eloquence rests when not built upon sound judgment and clear knowledge of the subjects at issue; and he refrained from speaking until an occasion should offer when he could speak from knowledge and conviction.

This occasion presented itself in the debate on the bill for the construction of the Western and Atlantic Railroad. Such was the ignorance on this subject at the time, that the friends of the measure had little hope of its success. But there were, both in the Legislature and out of it, men who were able to see the vast importance of the work; and of all these perhaps the man most thoroughly informed was Dr. Foster, who had already crammed his young friend Stephens with all the information that could be obtained. With the view to bring as much outside pressure as possible upon the Legislature, the friends of the enterprise held a convention in Macon, just before the session, to which Dr. Foster was a delegate. There was much enthusiasm in the deliberations; resolutions were passed in favor of the road, and a committee of the ablest men in the State appointed to memo-

rialize the Legislature on the subject. Dr. Foster returned by way of Milledgeville, and spent some time with Mr. Stephens, urging him to support the measure, and furnishing him with new facts and arguments.

The debate began. Speeches had been made on both sides, and the friends of the measure looked upon their case as hopeless, when Mr. Stephens, whom few of the members knew, arose and made his first speech. It was a triumph. He was the first to point out what all had overlooked,—the enhancement in value which would result to the property on both sides the road. This opened entirely new views of prosperity to those who had thought only of the traffic and travel. Men were amazed to see how great an amount of information on the subject so young a man had acquired, and how enlarged were the views he took of the ultimate results of the measure. This speech not only carried the bill, but placed him at once in the foremost rank of orators and debaters in the State.

Mr. Stephens has lived to see the road and the system which he advocated become the grand source of prosperity to his native State; and he has seen the day, in the times which followed the war, when these roads were almost her only salvation from financial ruin.

An extract from a letter written twenty years later by the Hon. Iverson L. Harris (afterwards Judge of the Supreme Court of Georgia) to Professor Williams Rutherford, of the Georgia University, gives some interesting reminiscences of this speech. Mr. Harris says:

“The debate lingered for days, and when every one was worn down and tired of the name of ‘Main Trunk,’ from under the gallery a clear shrill voice, unlike that of any man of my acquaintance, was heard saying, ‘*Mr. Speaker!*’

“Every eye was turned to the thin, attenuated form of a mere boy, with a black gleaming eye and cadaverous face. The attention became breathless, the House was enchained for half an hour by a new speaker, and one with new views of the question, such as had not been discussed or hinted at by others.

“When he sat down there was a burst of applause from a full gallery, and many of us on the floor joined in the chorus. That speech was electrical! It gave life to a dull debate, it aided immensely in the passage of

the bill for the survey of the road, and the appropriation for it. It was the first and maiden speech in the Legislature of that gentleman. From that hour he has been a man of mark, and now he is recognized in the House of Representatives at Washington as its foremost man.

"Need I say that man was Alexander H. Stephens."

By this time Mr. Stephens had acquired a good practice, and was taking rank with the foremost men of the circuit. The problem of success was already solved, so far as it depended upon his intellectual and moral capacities. But the enemy which came with him into the world and had never left him, now beset him more fiercely than ever. As he began riding the circuit in the spring of 1837, he was stricken down with illness and confined to his bed for months. Weak at the best, when prostrated by sickness he was a piteous spectacle of utter helplessness and suffering; and for weeks there seemed not a shadow of hope of his recovery. Even when convalescence began, many more weeks elapsed before he could walk alone; and he used to be lifted from his bed and placed upon the floor that he might crawl about a little, though he could not stand. In July he was sufficiently recovered to venture on a journey of easy stages; and by the advice of his physician his brother, Aaron Grier, took him to the mountains. They went first in a buggy to Clarksville, then to the Naucochee valley, then to Gainesville and the adjacent springs, and thence to the Indian Springs, returning home in September.

It was during this journey that a warm controversy arose between him and Dr. Leonidas B. Mercer, the leading man of the Janes party, which had opposed Mr. Stephens so strongly. These two men became very friendly in later times, and no trace remained of any feeling engendered by the acrimony of their old contest. The affair, as has already been mentioned, grew out of a misunderstanding of some expressions which Mr. Stephens had used in reference to the Proclamation and Force Bill of President Jackson. Dr. Mercer had confounded the Protest with the Proclamation aimed at the action of South Carolina in 1832, the former of which Mr. Stephens justified, but did not approve the latter. In the discussion Mr. Stephens showed clearly that he had been misunderstood; and the people of his

county adhered the more closely and firmly to him. Notwithstanding his weakness, he conducted this controversy with surprising vigor and spirit. No one, reading his pamphlets, could imagine that they were written by an invalid, almost prostrated by physical debility, and at a time when death seemed almost at the door. The result was that he was returned without opposition in 1837.

In the year 1838, his general health not having improved, he was advised to try a sea-voyage. He first went to Boston. On the 25th day of May he passed in view of Fort Warren. What would he have felt if he could have foreseen that on the same day, twenty-seven years later, for his firm adherence to the great principles on which our liberty depends, and his fearless exercise of what was once vaunted as the birthright of every American citizen,—liberty of political speech and action,—he would be sent there as a prisoner to be immured in a cell! The phenomenon of a Seward with his “little bell” had never at that time entered men’s minds as a conceivable possibility in their wildest imaginings. But great as would have been his astonishment at such a vision of the future, it could not have been greater than that caused by the knowledge that his life would be prolonged to that extent.

Before taking this voyage he went to Washington. We have a letter written from that city to his younger brother Linton, then not quite fourteen years old (whose guardianship he had assumed a few months before leaving home), from which we make the following extracts:

“Be true to yourself now, in the days of your youth. Improve your mind; apply yourself to your books; and when I am silent in the grave you may then be treading the floors now presented to my eye, honored with office of the highest rank. Always look up; think of nothing but objects of the highest ambition which can be compassed by energy, virtue, and strict morality, with a reliance upon a holy, pure, and all-ruling Providence. But never forget your dependence and mortality. Let them be your morning and evening musings; and in all things do nothing on which you could not invoke the divine blessing.”

On June 4th, he writes from Keene, New Hampshire:

“I have a great deal of anxiety of mind about you. No day passes but you are in my mind; and you do not escape from my dreams by night.

Sometimes I fear I did not counsel you enough before leaving home. Only one thing I neglected: that was to advise you what to do in case you and Mr. — [his teacher] do not agree. In such case, I want you to quit *instantly* and await my return. I do not intend that you shall be abused or trodden upon by any mortal. . . . In all your dealings give offence to no one, and be you the subject of no man's offence. . . . But if a crisis comes, show that you are a man, and have a spirit that never cowers; and if any wretch pulls your nose or ears, asking 'who are *you*?' tell him that you are a freeman's son, and be sure you do honor to his blood. But never condescend to notice small offences. Be above them."

In his letter of June 30th, from Saratoga Springs, he is afraid he spoke too unadvisedly about Mr. —, and adds a word of caution. He then falls into some remarks about human life:

"Our sojourn here is uncertain, and every day should be spent as if our last. Readiness for that event is our great business here. . . . In all our letters and conversations with each other, it should be a main object to be imparting such information as would afterwards be desirable and useful in case of a sudden departure."

It is his own departure that he has in view; but he phrases it in this general way to be less painful to his brother, while at the same time it is a kind of apology for filling his letters with so much advice. Not knowing how soon he may be called away, he is anxious, while life is yet spared him, to give all the counsel he may to the boy-brother to whom he fills a father's place, and to leave him, if he can, a man in thoughts and feelings, though a boy in years.

His health, instead of improving, grew worse. He visited Saratoga Springs, Carlisle Sulphur Springs in Pennsylvania, and finally reached Baltimore. Despairing of recovery, he was about to return home in the full expectation of speedy death, when he happened to meet Mr. John Crowell, of Alabama, who urged him to try the Greenbrier White Sulphur Springs, of Virginia, to which he was himself going, most kindly proposing that they should travel in company, and he would take care of him on the way. He complied with this friendly proposition. He remained at the Springs three weeks, contrary to his expectation, found great benefit from the waters, and returning home, continued to improve all the next fall and winter. He was again returned to the Legislature, without



opposition, and was one of the most prominent members of the House.

During his absence his business was attended to by his devoted friend, Mr. Toombs, and his brother Grier; the former carrying the cases through the courts, and the latter entering the judgments and doing the collections. Grier had left Augusta finally when he came to his brother while sick with his first attack in 1837, and remained with him ever afterwards, attending to the out-door business of his office, for which he was well qualified. Mr. Toombs proposed to Mr. Stephens to leave, during his absence, all business in his hands, and generously offered to bear his expenses; which latter offer was, however, declined, as with economy it was not necessary. The offer of service was accepted, and the work punctually and efficiently done. This friendship was a beautiful union between this weak and this strong man, equals in intellect and in culture, but the one as exuberant in health and vigor as the other was frail and infirm. On the sole occasion when they were divided, it was a pleasing and interesting sight to mark how they avoided open antagonism of their powers, and to note the consideration which each exhibited for the friendship of long years. They were soon reunited, and were companions in the struggle for the success of the Southern cause when that crisis came, and in the sufferings that followed its overthrow.

## CHAPTER XIII.

Improved Health—Delegate to Southern Commercial Convention—Answer to Mr. Preston—"My Son"—Linton at the University—Fourth of July Celebrations in Auld Lang Syne—Grand Doings at Crawfordville—A Speech—"Cæsar and Pompey"—Independence of Party—The Whigs—Uncertainty of the State-Rights Party—Re-election to the Legislature.

IN the year 1839, Mr. Stephens was able to give much more attention to his profession. His health, though still feeble, had been so far restored by the efficacy of the Virginia Springs, that he was in far better condition than during the two preceding years.

In April he was a delegate to the Southern Commercial Convention that was to meet in Charleston. Though well and widely known in his native State, his reputation had not yet extended beyond it. In the time we are speaking of, conventions of this kind were usually composed of, and attended by, the men of highest talent and character in their respective districts. In this one especially, the men of chief intellectual and social rank that South Carolina could boast were present to do honor to the representatives of the other Southern States.

On the question as to what was the best point for establishing direct trade between Europe and the South, the States of Georgia and South Carolina—as was unfortunately the case on many important issues—were at variance. In the debates, the Carolinians, among whom were more able speakers than in the delegation from any other State, seemed to have the decision of this question entirely within their control. The eloquent Hayne had spoken, and Hamilton, and finally Preston, the most brilliant orator of the State, had seemed to close the door to all further discussion. It was then that Mr. Stephens, to the surprise of his colleagues, and the amazement of all who then observed him for the first time, rose and answered Mr. Preston.

It was amusing to watch the incredulous astonishment, as of men who could not believe their own eyes, with which the spectators gazed at the extraordinary spectacle of one who seemed a puny youth, not yet grown to man's estate, entering the lists with the foremost orators and debaters of the South, and matching them in the contest. This speech was generally considered a triumphant vindication of Georgia's side of the question; and long before it closed the speaker was recognized as one destined to take his place among the foremost intellects of the country.

A short time before this speech was delivered, and before the form and appearance of Mr. Stephens were generally known, an incident occurred which shows how extremely youthful he then looked. He was reclining on a lounge at the hotel, engaged in conversation with a group of gentlemen who had gathered round, when the proprietor, seeing a whole lounge taken up by what seemed a mere stripling, while *men* were standing round, approached him with the mild rebuke, "My son, don't take up the whole lounge; let these gentlemen be seated." Mr. Stephens arose at once, but a general guffaw followed, and an explanation and apology from the surprised and abashed proprietor. One of the guests was Thomas Chaffin, the leading merchant and wag of Crawfordville, who took especial delight, on his return, in enacting the scene, with all his dramatic powers, to his fellow-townsmen.

In the summer of this year his younger brother, Linton, entered the State University; and it is interesting to mark in the correspondence the absorbing attention with which his career was watched by the elder. No fondest father ever showed more tenderness, more thoughtfulness, more loving solicitude. The large sheets of paper are crowded on all sides with counsel, with warning, with words of affection, with the inmost thoughts of the writer's heart. In the first letter of this period, bearing date August 8th, 1839, the four pages are so covered with close handwriting that barely space is left for the address, envelopes having not then been introduced. In this letter the writer says that he scarcely slept the night after his brother's departure, and inquires about everything; how he liked the country; who

preached the Commencement sermon,—how he liked that ; how many boys were in his class ; what professor examined him,—in what book, at what passage ; how many questions he missed, was he much scared ; how he liked the college buildings, the botanical gardens, etc. Then follows advice, suggestions about getting rooms, considerations whether he and John Bird (Linton's but not Alexander's cousin, who goes under Alexander's patronage) had better room together or separately. He urges him not to be idle, even though he should find that without occupying all his time he can head his class ; and exhorts him to read on a plan which he suggests, and to keep a note-book, and to write to him his opinions about persons and events. And so he fills every side of the sheet ; then crowds an after-thought into a corner : “Do not get into the habit of saying ‘Church,’ ‘Ward,’ etc., but say ‘Dr. Church,’ ‘Dr. Ward,’ etc. *Attend to this.*” The sheet is now crammed, and not a word about the weather ; so he crosses it with, “The heaviest rain for twelve months. The cloud was a small one, and came from the west on this (Thursday) evening.”

On the Fourth of July of this year there was a great celebration at Crawfordville. It is remarkable what a change the third part of a century—which has brought so many changes—has wrought in the ardor with which this anniversary used to be celebrated, when men felt conscious and proud of their freedom. It is an inspiring thing yet to remember the droves of hogs and sheep, the countless multitudes of turkeys, chickens, geese, and squirrels, the mountains of good cheer and the rivers of good drink that were brought together to the festival. Everybody, white and black, celebrated “Independence Day.” Crawfordville was already famous for her achievements in this line, and on the particular occasion in hand did herself full justice.

Mr. S. Fouché made an oration, and Mr. Stephens read the Declaration. At the dinner toasts were drunk, of course, the regular list being prepared by a committee ; and on this occasion the preparation fell chiefly upon Mr. Stephens. We quote a few, and append a portion of Mr. Stephens's speech as reported in a Milledgeville paper, principally to illustrate his political

sentiments at the time, and to show that he was not then identified with any party, and that when he sided with the Whigs in 1840, it was only a choice between what he considered two evils.

Toast No. 3 was: "*The President of the United States.*\* 'An inheritance is easily gotten in the beginning, but the end thereof shall not be established.'" This quotation from Scripture was received with three cheers.

Toast No. 4 was: "*George M. Troup*, Georgia's favorite son, and her candidate for the next Presidency;" greeted with nine cheers.

Toast No. 8 might seem now to have been prophetic. The President was suspected of a disposition to increase the army; but few men there that day—perhaps none but the framer of the toast—felt any apprehension on that score. It ran: "*The Army and Navy of the United States.* While on land and sea they guard our rights from foreign tyranny and domestic aggression, may they ever continue amenable to the civil power of the laws! thus preserving the lustre of their laurels and the confidence of their fellow-citizens."

Toast No. 9 was: "*The Constitution of the United States.* The charter of the rights of the American people, emanating from a spirit of wisdom and conciliation. With a strict construction we hold and will defend it, the legacy of our heroic ancestors." This shows how decisively Mr. Stephens had at this time espoused the doctrine of strict construction.

After the voluntary toasts had begun, Chesley Bristow, the old and respected clerk of the court, who was always fond of "little Aleck," as he called him, read—or, as the dinner was now somewhat advanced, probably had read for him—the following:

"*The Reader of the Declaration of Independence:* Alexander H. Stephens, Taliaferro's native son. By the fearless discharge of his public duties he has done much, during our late legislative conflicts, to obtain honors for himself and have the confidence and esteem of his constituents."

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\* Martin Van Buren.

"After the cheering had subsided," says the *Recorder*, "Mr. Stephens arose in response. . . . He dwelt at length upon the history, character, position, principles, and objects of the Whig and the Administration parties, sparing neither, nothing extenuating, nor setting down aught in malice. While he held up the Whigs as embodying the reviving spirit of the old Nationals, he showed the leaders of the Administration party to be the wolves in sheep's clothing who have crept into the ranks of the Republicans, by which that party is now literally scattered abroad, without any concert of action or any common head, as sheep indeed without a shepherd. That they were the Judas-like traitors by whom, for the spoils of office, the Republicans had been deceived and betrayed. They had been confided in by the people upon their professions of opposition to the Tariff, and when proved in person, were the first to attempt its enforcement at the point of the bayonet. They were among the loudest in their cry for retrenchment and reform, and promised the people, if entrusted with the power, to carry out these great measures, while they have increased the expenses of the Government from a little over *eleven* to nearly *forty* millions of dollars *per annum*! They were loud against a subsidized press and Executive interference with elections, while, since their promotion, they have taken the lead, far beyond all precedence, in those abuses, and openly defend and justify their course. They made common cause with the State banks in demolishing the United States Bank, and then turned against them with the cry of *divorce*!\* when their whole object was to divorce the public money from the banks, it is true, but to their own pockets. He was in favor of divorces sometimes, but not from one to another adulterous bed. That these leaders profess to be the only true Republicans and standards of Democracy, while many of their members are known to have been ultra-Federalists, and even Hartford Conventionists. They profess to be the only guardians of the people's rights, when they give the most important fiduciary trusts to notorious bankrupts in fame and in fortune, and for years ask not even a bond for the faithful discharge of their duty; thus permitting their *sub-treasurers* to pocket for themselves, or spend for the benefit of the party, hundreds of thousands of the public funds, and then, after taking a gentlemanly leave of the country, to spend the remainder of their days in splendor in foreign climes. They profess now to be the friends of the South, and only hope for the protection of our institutions, while many of them are the warm advocates of free negro suffrage, and their Magnus Apollo himself is a Missouri Restrictionist. That such a party, so marked with every badge of corruption, falsehood, and treachery, should be utterly spurned by a free people. He deprecated the day when we should be driven to the necessity—the forced choice—of appealing to such men for the protection and salvation of our liberties. . . . That two parties are

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\* "The divorce of Bank and State" was one of the catch-words of the Van Buren party.

now courting an alliance with our State; and never was fair maiden more artfully allured by the wiles of seduction than was the integrity of the State now assailed by these political sniters. . . . The one is a known enemy, the other a traitor to our cause. It is no question upon which we should take sides or make any capitulations; nor should we suffer ourselves as Georgians to be forced into a choice as between such evils. Either is death to our principles; and we should uncompromisingly wage war against both. Though we be in the minority, let us be the Spartan band. Self-defence is the first law of our nature,—and the nearest enemy always first. After the extermination of the present occupant of the field, if another make his appearance, we can again rally to the onset. The price of liberty is not only ‘eternal vigilance,’ but *continual warfare*; and if we are to have an *executioner*, for our own and for our country’s sake, let us at least leave it for others to provide him! The speaker concluded with this sentiment: ‘*Henry Clay and Martin Van Buren*: candidates for the next Presidency. When the strife is between Cæsar and Pompey, the patriot should rally to the standard of neither.’ (Much cheering.)”

We have given this extract at considerable length, not only for its eloquence and sound policy, but as clearly illustrating Mr. Stephens’s position at the time. He has often been charged with abandoning “his party,” but the truth is that he has always been independent of party. We here see that he was at once hostile to the administration of Van Buren and opposed to the election of Clay. George M. Troup, the great Governor who had so effectually resisted the encroachments of Mr. Adams’s administration and stood squarely upon the platform of State-rights, was his favorite; and he was extremely anxious that this gentleman should receive the nomination. But Mr. Van Buren was the existing occupant of the chair; and if he could not get his favorite leader, Mr. Stephens had already made up his mind to follow any other who showed the ability to vanquish the administration.

It was much the same state of things as in his pamphlet controversy of 1837. Not being a partisan, he approved such measures of President Jackson as he thought just, and condemned the others. In his eyes the President’s dealing with the United States Bank was right, and deserved to have the approbation of the country. As for his Proclamation, Mr. Stephens saw much to condemn in it, and he utterly and without reservation condemned the Force Bill. While he rejected

as fallacious and inconsistent the doctrine of nullification, he firmly believed in the right of secession. But these distinctions close party-men could not see, or if they saw, did not approve; and thus Mr. Stephens has met the fate which attends every public man who pursues an independent course in politics, and judges every measure simply on its own merits,—the fate of being charged with unfaithfulness to his party. So far from regretting this, however, it has always been a matter of pride to him, as demonstrating his consistent integrity of purpose.

The sentiments expressed at the meeting, so far as that may be considered an exponent of the views of the South, showed that the South was not yet ready, even after the experience of Van Buren's administration, to give a hearty support to Clay. The opposition was in a transition state, it is true, but it had not yet reached the point where it could accept, or even close its eyes to, the centralizing proclivities of the distinguished Kentuckian; so the different sections of the party united upon General Harrison, unfortunate as was the necessity of fighting the administration under a leader of uncertain politics. This resolve taken, though the nominee of the South was far from being the leader whom Mr. Stephens would have preferred, he at once made his choice between the two, and brought into the campaign all the energy and talent of which he was master.

In the fall of this year he was again a candidate for the Legislature, and was soon drawn into animated controversy on the questions of the day. The State-Rights party was then divided on various points of general policy, but especially on the National Bank and Tariff questions. Those who, whatever their objections to these measures, thought that the advantages derived from the Union more than counterbalanced them, and were willing to continue the existing state of things, took the name of Whigs.

The Whig party, at the outset of the coming campaign, looked to Mr. Clay as their leader, and it was generally thought he would receive the nomination, but his views leaned rather more toward centralization than was acceptable to the South. Mr. Van Buren, the candidate of the Northern Democrats, had been unpopular at the South after his supposed intrigue in



breaking up Jackson's cabinet in the first term of that President; yet many of the leaders, even of the State-Rights party, began seriously to consider whether on the whole he was not a better candidate than Mr. Clay. Taliaferro County was almost unanimously of the Jeffersonian State-Rights party, and the candidates for the Legislature presented by this party there were two very intelligent gentlemen, Mr. Simpson Fouché and Dr. Lawrence, the former being an adherent of the nullification doctrine, who was now starting the discussion in advance, with the view of getting the State committed to Van Buren. The opposing candidates were Mr. Stephens and Mr. John Chapman.

A spirited contest ensued, during which Mr. Fouché exerted all his energies to defeat Mr. Stephens and break down his rapidly-growing influence. This contest was rendered more animated by the fact that the State-Rights party was gradually shifting its ground; and the voters were desirous to know the position which the candidates proposed to take in the succeeding Presidential election, and to learn their precise views on all the important questions of the day. A question of considerable prominence at the time was the Liquor License Law, one of the many attempts which from time to time are made, and always fruitlessly, to suppress social vice by legislation.

The citizens of Fair Play, a village in the eastern section of the county, called upon the candidates to express their views on these various points openly, either by letter or public address; and to this end a public dinner was given at this place on the 15th of August, at which the candidates and other public men were present, and there was some lively speaking, in the course of which Mr. Fouché let fall some sarcastic expressions which seemed to Mr. Stephens to have a personal bearing upon himself. A correspondence followed, which, for a while, seemed to threaten serious results, but finally the matter was amicably adjusted. At the election-day, notwithstanding a strong and active opposition, Messrs. Stephens and Chapman were elected by large majorities. Early in the next year Mr. Fouché took the field in person against Mr. Harris for the Senate, but was overwhelmingly defeated.

## CHAPTER XIV.

Transition of the State-Rights Party—Error of the Georgians—Law Business—Letters to Linton—Views on Scholarship, Aristocracy, and the Devil—Literary Criticism—Religious Beliefs—Visit to the Gold Region—Political Parties.

THE transition of the State-Rights party, leading to its coalition with the Northern Democrats, went on with increasing rapidity in the early part of 1840. An extract from a letter of Mr. Stephens, of a much later date, will show his views on the subject.

“I was opposed to the administration of Mr. Van Buren, but was also opposed to the support of Harrison. I wanted the State-Rights party of Georgia to stand by the nomination of George M. Troup, which I had considerably contributed in getting the men of that party in the Legislature of 1839 to make. But in the summer of 1840 a convention of the party was held at Milledgeville, assembling the first Monday in June; and this convention withdrew the nomination of Troup and declared for Harrison. I was not in the convention. I acquiesced, though I thought it bad policy. There were but two candidates in the field, Harrison and Van Buren: I preferred Harrison as the choice of evils. Indeed, the greatest objection I had to Harrison’s nomination was the political alliances it would bring about. Him I considered sound enough on all political and constitutional questions; but his supporters generally at the North were the old Centralists and Consolidationists, known in 1800 as Federalists. Still, as all the vital questions were ignored, or nearly so, in the canvass, and as upon the financial questions of the day I agreed, in the main, with him and his supporters, I acquiesced and supported him. It was, however, in my present opinion [1868], a great error. It was a political blunder on the part of the leaders and other men of the party. I was too young to be charged with even an error of judgment in going with them under the circumstances. Had I had more experience, I never should have done it.”

We have not spoken much of Mr. Stephens’s law business. He had for some time now been in full practice, and was counted one of the ablest lawyers of the State. The reputation he had acquired for not only personal but professional integrity, served

to give him an influence upon juries which was probably greater than that ever possessed by any lawyer in the State. Whenever he solemnly asserted his belief in any fact or principle, all men were assured of his sincerity, and therefore he always had the full benefit of his opinions. In Taliaferro County especially, none of his professional brethren ever approached him in this respect, except perhaps Mr. Toombs, whose career was as high and manly throughout as that of any lawyer who ever lived. These two friends seemed always to desire to be associated whenever possible, and were seldom found engaged on opposing sides. Their friendship was of the sort which shunned even the possibility of a wound which might happen in the excitement of forensic antagonism.

Perhaps their great dissimilarity was one link between them. One was prudent, patient, and persuasive; the other ardent, impetuous, even apparently imperious. The one exposed his case in all its minutest bearings, and then persuaded the jury to find for the right. The other, seldom delaying on minor points, seized upon the most important, showed them the truth in a vivid light, and defied them to disregard it. Juries found for the one because he led them kindly but irresistibly to his conclusions; they found for the other because they could not endure his indignation. And when these men were both on one side, their client was as well defended as it was possible to be in any court of justice in the country.

The letters which Mr. Stephens wrote to Linton while the latter was at college, give a pleasing view of his inner life. They are usually very long. He felt for his brother an affection more like that of a tender father for a beloved son than that which usually subsists between brothers. Few men have ever written to a single correspondent in the period of a long life as much as he wrote to this one brother during thirty years. This correspondence would fill many volumes. We shall extract from them so much as we need to fill up the narrative of events or illustrate the character of the man.

Linton's vacation being now over, he had returned to college. His brother's first letter was of January 26th, 1840. After speaking of family matters, which he usually gives in detail, even men-

tioning the servants, their ailments or mishaps, he adverts to a young kinsman of theirs who was thinking of quitting school rather prematurely, and remarks :

“ Perhaps it is as well. The poet says :

‘ A little learning is a dangerous thing :

Drink deep, or taste not the Pierian spring.’

There is as much truth as satire in the couplet. To be a *smatterer*, to learn enough only to imbibe the errors of the world and to become puffed up and inflated with the conceit of self-importance, is no less ruinous to the unfortunate subject than disgusting to the whole circle of his equally unfortunate acquaintance. To be a scholar, to place oneself above the common level, to ascend the steep of science and climb the rugged cliff of fame, require energy, resolution, time, self-denial, patience, and ambition. These are not the qualities of a fickle brain, but the attributes of genius. He that possesses them, by disciplining them, and by subjecting them to mild obedience to his own master-spirit (and this is knowledge, the very perfection of education), can control not only his own destiny, but that of others.’

He closes thus :

“ Good-by, and let me hear of your doing well. Fortune is a web, and every man weaves for himself.”

The next letter is of February 2d, in answer to one just received. He praises the spirit of candor which he thinks he discovers in his ward :

“ There is no virtue in the human character nobler than *candor*,—plain, real, unsophisticated candor. It is the legitimate offspring of truth, and always begets independence.”

Presently he adds a caution against excessive ambition. He has been encouraging his ward so persistently to aim high, to look forward to a career not only of virtue and usefulness, but of distinction, that he thinks perhaps a little counterpoise may be advisable. He quotes from Shakspeare, cites Byron’s lines on Kirke White, and then illustrates from Bulwer the effects of inordinate ambition. This leads into a little talk about aristocracy :

“ There is one kind of aristocracy that I despise equally with yourself ; but another kind I greatly admire. The first is the aristocracy of wealth and fashion. That is contemptible. The other is the aristocracy (the

*aristôn kratos*) of honor, principle, good breeding, and education, that awards distinction, not to birth or fortune, but to merit and principles. This is the aristocracy of nature, and is cast by no hereditary descent, but is the impress given by fortune to her favorite children."

In the next letter (February 28th) he has much to say about the doctrine of the Universalists. We give an extract :

"In regard to the doctrine of the Universalists you allude to in your letter, and particularly that part wherein you request my opinion, I will only say, without entering fully into the subject, that I do not agree with the belief that 'there is no personal devil or fallen spirit, and that what is commonly called the Devil is no more than the inclination of man to do evil.' What I mean by a personal devil is an evil spirit or a spiritual intelligence apostate and fallen. There are doubtless many spiritual intelligencies besides the Deity. Some are pure and holy: others are of opposite nature, being evil, rebellious, and disobedient."

And the letter continues with a further exposition of his views on dæmonology,—dim regions into which we will not follow him. He comes back to firm ground after awhile, and concludes with an urgent recommendation of regular and sufficient bodily exercise; probably—though he does not say as much—a more efficient exorcism against cacodæmons than is commonly supposed.

On April 5th he tells his brother that the court is over, and though almost broken down by continual work, he is preparing to go to Warren Court. The wife of a neighbor has died the day before, and he moralizes on the balance of good and evil, happiness and misery, in the world, though acknowledging in all the arrangement and economy of a wise and merciful Providence. Then we have some literary criticism: Linton has mentioned that he has been reading *The Last Days of Pompeii*:

"It is a work of great merit, though it hardly does justice to the early Christians. In that particular its greatest defect consists. I think Bulwer in one sense greatly Scott's superior in novel-writing. His mind is of a higher order: he is more profound and metaphysical,—in a word, more Platonic, while Scott is easier, more descriptive, and can deal successfully with a much greater variety of characters. Scott's best characters—that is, the best drawn—are his *lowest*; Bulwer's are his *highest*."

The letter concludes by recommending as the next book of the kind to be read, *Old Mortality*, and this for the sake of getting acquainted with "Cuddie."

On May 5th we find him approaching, very delicately, the subject of religion, elicited by an inquiry on the part of his brother. He speaks of the cultivation and chastisement of the affections and subjugation of the natural propensities, bringing the entire nature into mild subjection to the benign and exalted principles of pure Christianity.

"This is true religion : a change of heart from evil to good, a renewal of the soul from low and grovelling desires to an expanded and enlarged love for the universe and an unbounded reverence for its Author. To worship is the natural prompting after regeneration, that process by which, in a mysterious way, the depraved nature of fallen man is exchanged and purified by the exercise of a saving faith in Christ the Redeemer and Mediator."

He presently concludes this topic, which he will not press too far just now, with the words :

"The subject of religion I have seldom alluded to in my communications with you, either by word or letter. The principle on which I acted required me, I believe, to pursue such a course. Perhaps hereafter I may dwell more at large upon the subject."

In his letter of June 2d he reverts to the subject, thus:

"I never like to be a lecturer, or to give advice, because I am so sensible of my own errors and imperfections; and this is why I have said so little to you on subjects of religion, morality, and piety. But I trust you will not think the less of them yourself, or be more remiss in your action. If I have said nothing, it is not because I feel nothing. I do hope, therefore, that you will not even trust yourself to your own judgment or caution, but ask assistance from one who is able to direct you, daily. I believe in a special Providence. Of all Christian virtues, cultivate humility, meekness, and a spirit of dependence upon the great Ruler of the universe for 'every good and perfect gift.'" . . . "The world is transitory at best, and there is little in it worth living for but the bright prospect it affords of a blessed immortality. Its hopes are delusive, its honors are vain, its pleasures are empty."

Mr. Stephens then had scarcely an acquaintance who would not have been surprised to know that he thus spoke of spiritual and earthly things to his younger brother. While his whole conduct and deportment had always been consistent with the principles of a high and pure morality, few, even of his intimate friends, supposed that his inward thoughts were much occupied with the subject of religion. But when let behind the veil of

his habitual reticence, through the medium of these most confidential revealings of his hidden nature, we can see how much and how earnestly he has thought upon these solemn questions, how strong are his religious convictions, how deep is his reverence for the Deity, and how absolute his belief of the importance of His constant interposition in man's behalf.

There is now some intermission in these letters. The writer went on a tour with Mr. T. Chaffin to visit the gold mines of Cherokee, where the latter gentleman owned a number of lots. The travellers examined the region, and came to the conclusion that it was very rich in minerals. They called upon an old friend, too,—Dr. Foster, who had removed to this part of the country, and whom they found just recovering from a broken leg. A short note dropped in Athens on the return gives a flattering account of Harrison's prospects in the Cherokee country.

The Presidential contest was now narrowed down to the two candidates, Van Buren and Harrison. All the State-Rights delegation from Georgia in Congress, except Cooper, Colquitt, and Black, sided with the latter, and the whole party followed. Mr. Stephens, as we have seen, while not approving the nomination of Harrison, preferred him to his competitor, and having given him his support, went actively into the canvass.

In his letter to Linton of August 2d, he treats the subject of politics at some length in reply to an inquiry. We extract:

"In the beginning of the Government under the new organization, in 1787 and 1788, all who were in favor of ratification of the Constitution, or were friendly to the compact or *Fœdus* as it was called, assumed the name of *Federalists*. Those who opposed took the various names of *Anti-Federalists*, *Democrats*, *Republicans*, etc. At that time Madison and Jefferson were known as Federalists, or friends to the Constitution. Patrick Henry and many other noble sons of Virginia were opposed to it. After the Constitution, however, was ratified, and the Government went into operation, many measures were proposed which some of the friends of the Constitution thought were not authorized by that instrument, and which, if carried out, would centralize all power in the General Government to the subversion of the States. That class of course fell into the ranks of the Republicans. Among these were Mr. Jefferson, Mr. Madison, and many others, while Patrick Henry and others fell into the ranks of the Federals, saying that these powers of which the others were complaining were granted in the Constitution, and it was then too late to raise the

complaint; that they had warned them of the danger, and foretold these consequences. It was now too late: the Constitution was established, and the country had to abide by it. Many of the measures of the Federalists of that time—say from 1790 to 1800—were no doubt good ones, while others were truly obnoxious, particularly the one against Aliens, and one upon the subject of Sedition. It was those measures which showed a disposition on the part of the Federal party to the grasping of power that caused the overthrow of that party in 1800 by the election of Mr. Jefferson. . . . Considering the *merits* of even the most obnoxious measures of those days, apart from all party and personal bearing, just as you would look at the laws of ancient nations, I believe that there is not a great deal more to censure in them than in many of the laws we have had passed in much later times. The *patriotism*, however, of those men who were called Federalists, even at the election of Mr. Jefferson, no man can doubt. They were among the earliest and most devoted friends and movers of the Revolution, and were the master-spirits that struggled for our independence. They were all no doubt friends to good government; but differed, as men always will, as to the best methods and medium of administering it. It is true that Mr. Jefferson in his *Ana* (some notes in the end of his works) intimates that a large party then existed in the country favorable to a monarchy. But for my own part I do not believe one word of it. His aim was at Hamilton; but he was, in point of intellect, integrity, and patriotism, high above all such suspicions. Jefferson even intimates openly, in one of his letters, that Washington was aspiring to a throne. With Hamilton's notions of government I do not agree; but that he was in favor of changing it to a kingly government, none, I think, would pretend to believe who knows anything of his opinions of the formation of the Constitution. He was truly a great man, but his theories did not suit the genius of our institutions."

From this he passes to comment on something Linton has told him about some trouble Mr. Baker, with whom they are boarding, has had with his landlord, *à propos* of which he quotes Burns—a favorite poet of his, by the way. Then winds up with a dream:

"I dreamed last night you were dead; and, though no believer in dreams, have nevertheless all day been more or less under the influence of this strange phantom."

Letters follow in which he criticises his brother's style in writing, gives him advice about his college duties, discusses the merits of Scott and Bulwer, and treats of other matters. He has been a candidate for the Legislature, having Dr. Lawrence



again for an opponent, and on the 5th of October he gives the result of the election, in which he received 362 votes and the rival candidate 68. "I have never received so large a vote in the county before."

It was in the fall of this year that Mr. Johnston first heard him speak in public. The Hon. Eugenius Nisbet being on a visit to Powelton, at the request of the citizens, addressed them on political topics. Mr. Stephens was one of his auditors, and when Mr. Nisbet had concluded, he requested the latter to make some remarks. Mr. Stephens spoke for some time, with that persuasive earnestness, simple dignity, and charm of manner which have earned him such deserved celebrity as an orator. His appearance differed in nothing from what it was in 1832. His physical development seemed to progress more tardily than other men's; he had still the youthful looks of a mere stripling, and it was only about this time, though he had reached his thirtieth year, that he attained his full stature.

## CHAPTER XV.

Declines Re-nomination to the Legislature—Letters to Linton—Philosophy of Living—Death of President Harrison—Advice to Linton—Serious Illness—Election to State Senate—Reports of Committees—The Tariff of 1842—Breach of the Compromise of 1833—Debate on Federal Relations—The Minority Report—Principles of the Georgia Whigs—Resolutions.

IN the year 1841 Mr. Stephens was less occupied with political matters, having declined to run for the Legislature. His health improved to some degree, but his old enemy, dyspepsia, and the excruciating headaches it occasioned, still tormented him. His time was entirely engaged in his legal business, of which he had all that he could possibly attend to. The biography of this year, therefore, must be entirely drawn from his letters to his brother, who was still at college.

On February 14th we find him moralizing on the uncertainty of human affairs and the vicissitudes of life; a train of thought brought on by the death of his old friend, William Le Conte, a fact of which Linton had informed him. He says:

“Remember me to Louis and Joseph Le Conte. I much sympathize with them in their late bereavement. Their brother was one of my most beloved and esteemed friends. His departure is another evidence of the fleeting and transient nature of all things connected with this life's hopes and expectations. Little did I think last fall in Milledgeville, when I shook the hand that I had often shaken both in parting and greeting, that it was for the last time, and that our farewell was to be for ever! What a mystery is death—and life!”

On March 25th he gives some lessons to his brother on the proper and profitable way of reading newspapers, then alludes to the will of an old gentleman who had recently died, leaving a large property to an only son, on which he thus philosophizes:

“There is a philosophy in life and in the proper way of living that few seem to understand. Hence many who really are rich live worse

than some who are seemingly poor. These remarks I think peculiarly applicable to — and his family. The whole aim of his life has been to accumulate and save without any regard to proper enjoyment. To accumulate and save are both admirable actions; but they should not be the ruling motives: they should be subservient to the great objects of life,—usefulness, contentment, and happiness. Had he spent more in the education of his only son, the enlightenment of his understanding and the refinement of his manners, and then left him much less of the *property*, he would have acted a much better part by him. The great difficulty with mankind is in *spending*,—in knowing how and when to spend their money.”

And then follows an earnest condemnation of the opposite vices of extreme parsimony and extravagance.

From time to time Linton has applied to his brother for the explanation of various terms used in political parlance, which Alexander answers with extreme punctuality and minuteness. In this letter he remembers that his exposition of one phrase has not been, perhaps, so full as it should have been, and amplifies on the subject:

“In my remarks the other day about ‘*pre-emption*,’ I forgot to say that as a system it is opposed to what is termed the ‘*distribution plan*,’ which is to have all the public lands sold at what they will bring, and the proceeds distributed among all the States. That is my plan: I go for distribution. The land belongs to all the States, and every one should have its portion of the proceeds.”

Before the next letter (April 11th) was written, a melancholy event had happened in the political world, in the death of President Harrison on the 4th of April, just one month after his inauguration. Mr. Stephens thus comments upon it:

“There is no doubt that General Harrison is dead. What effect it will have upon the country time alone can disclose. I look upon it, however, as at this time one of the greatest calamities that could have befallen the nation. Harrison had the confidence of the people of all sections of the Union. There was nothing sectional, partisan, or offensive to any portion of the people in his inaugural. The whole country was calm in quiet expectation of the measures to be proposed by him at the opening of the called session of Congress.” [Extra session called for the last day of May.] “No other man living could have wielded such influence over public opinion as he could, because he had the confidence of the people. They believed him to be, as he was indeed, a *patriot*. I fear his death will give rise to dissensions and divisions.”

For more than half of the following year we have to draw entirely upon the correspondence with Linton. The earlier part is filled with home-news, explanations of the law-business he was engaged in, news from the farm, etc. One of the horses is rather wild, and he is taming him, and hopes soon to have him "as gentle as Frank Dougherty got his oxen." This Frank Dougherty, he explains, was an old neighbor of his father's, who once had a yoke of young and ungovernable oxen, which he was very anxious to sell to a neighbor, whose only objection was that they were not gentle enough. So Frank undertook to "gentle" them by keeping them in the yoke, and letting them run in the pasture. One day he brought the expected purchaser over to look at them, assuring him that they were now "perfectly gentle." They went down to the pasture and found the oxen "gentle" indeed: in their caperings they had turned the yoke, and lay there with their necks broken. So "as gentle as Frank Dougherty's oxen" became a joke in the neighborhood.

In March we find him encouraging Linton in the study of rhetoric, which the latter finds difficult.

"Rhetoric, properly taught, is one of the easiest and most improving and useful studies of a college course, and to me it was the most interesting. But it requires some training to get in the right way of learning it. It is to be effected by system, method, and generalization. The usefulness of the study depends mostly upon its effect upon the mind in subjecting it to system and method, and the exercises it imposes upon the memory. It should never be taught or learned by questions and answers. You might as well attempt to teach the beauties of a painting to a mind unacquainted with the art of catching the perspective, by a similar system of interrogatories. In the study of rhetoric usefully, the mind must first be taught to put forth its strongest faculties, and survey the entire subject—that is, the lecture for any given recitation. The author's object being thoroughly understood, his manner of treating it, and his various subdivisions, soon occur easily to the mind, which naturally again suggest his ideas, and then the task is performed, and the whole lecture is indelibly impressed upon the mind like a map or chart spread out before you. In mastering a lecture in rhetoric, the author's words should never be studied; if they occur readily to the mind in reciting, they should be used; but in studying, the memory should not be taxed to retain them; the ideas, and the order in which they come in the lecture, should be the task of the student. The ideas he should convey in his own words. For when he understands his author, and knows what his ideas are, the student can always have

words at command to make known what they are. But it is a remarkable fact, that with a little practice with this kind of study, so quick does the memory become, and so retentive of an impression, that the student will be enabled to repeat almost the identical words of his author from beginning to end. This strengthens the memory, and imparts vigor to the mind, and enables the faculties to encompass a whole subject at once, and understand the whole and every part at the same time. This is exceedingly necessary for writers and public speakers. When a student, therefore, goes to recite a lesson in rhetoric, or moral philosophy, or any such studies, he should know everything in his recitation, and be able forthwith and without hesitation to repeat, if called upon, every idea in it, just as he would tell, if called upon, what he heard a man say on any particular subject on a given occasion. As, for instance: suppose the lesson is in Blair, and the subject is his lecture on 'Style.' At the first glance the mind will scan his manner of treating it, commencing with general remarks about the diversity of style in authors, then the various kinds of style, and then the rules for forming a correct style. Under the first head, many smaller and subordinate ideas, where the general plan is fixed in the mind, naturally suggest themselves with little or no effect; such as, that all authors have a peculiarity of style distinctive in each; difference between Livy and Tacitus, etc., and other ideas that fill up that view; and the different kinds of style, such as concise and diffuse; then contrasted, the advantages and disadvantages of each, and the instances of authors distinguished for each, etc.,—which is all easily recollected and repeated,—that is, the idea, but not the words,—and the same of the weak and nervous, dry, plain, neat, elegant, and flowery; and then go on to the simple, affected, and vehement; these made all distinct in their order in the mind, the filling-up, or the remarks made upon each, come to the mind almost naturally; and then comes the winding-up of the subject, the directions for forming a correct style, to wit: a thorough understanding of the subject, frequent composition, acquaintance with good styles, or the styles of distinguished authors,—not, however, running into imitation, or adaptation of the style to the subject and occasion,—not to be poetical when you should reason; and, lastly, not to permit the mind to be too much engrossed with style to the exclusion of matter; in other words, that however important style may be, it should always be held subordinate to ideas, and that more attention should be given to thoughts and sentiments than mere style; and with this the task is performed. And what is more easy? When once you get in the way of it, you will find it the easiest study learned. The mind will take it readily, and you will be astonished at the amount of learning you can acquire. To me, at first, it appeared very hard, because I had nobody to teach me; but when Dr. Olin became professor and gave us a few lectures, the whole subject assumed a new appearance, and the study became delightful; and when I graduated, there was no subject in Blair, Paley, Say, Evidences of Christianity, Brown's Moral Philosophy, or Hedge's Logic,

that I could not have told everything about instantly, or as fast as I could have spoken; and I could have commenced at the beginning of the catalogue above named, and have given substantially everything contained, from the beginning to the end, without interruption or suggestion. The same principles of system, method, and analysis I brought to the study of law; and when I was admitted, I could have rehearsed Blackstone in the same way. The whole I attributed to Olin's method of teaching; and I would not have given the advantages derived from that for all my college course besides. It has been of more use to me. It called forth all the powers of the mind, and taught it to exercise its every faculty. My previous instructions were like keeping a child forever sliding and crawling; Olin made us stand up and walk. A little assistance was at first necessary, while the knees were weak, and before strength and confidence were acquired; but soon we (I mean the whole class, for there was no student in the class that did not understand the studies) began to walk without assistance, and then to run and bound, and become the perfect masters of all our faculties. I wish you to adopt the right method in these studies, and to become perfectly master of them. When a subject is mentioned, be able to give an outline of the whole, and show that you have studied your author, by being able, without assistance, to go on and tell what he says."

He then answers the question, what would be a suitable subject for a Junior speech, by suggesting a comparison between the ancients and the moderns, giving himself a decided preference to the former. Among other things he says:

"In many things that make man truly great, that show the power of his mind, the boldness of his conceptions, and the lofty sentiments of his soul, I think the ancients were greatly our superiors. Look at their works, their temples and other public buildings, which, after withstanding the ravages of centuries, are yet unequalled by anything that man in subsequent times ever erected. Why, even the public roads leading from the city of Rome, constructed before the Julian day, are now better and more substantial than any in the United States, and perhaps in England and France. Part of a bridge is yet standing on the Danube which was built soon after the time of the Cæsars. What a people they must have been to leave such vestiges behind them! If this country should be overrun by savages, what have we that would remain one thousand years to tell that such a race as ours ever existed?"

And after Rome, Greece, Persia, Egypt, and Assyria are all glanced at in support of the writer's thesis.

On June 2d he answers a letter of Linton's, in which the

latter intimates thoughts of getting excused from speaking at Commencement.

"I can simply say that you must not hesitate between speaking and getting excused. You *must* speak, and you ought to set at once in good earnest to writing. There is nothing a student is more apt to do than to postpone the duty of composition. . . . The mind should never suffer itself to grow slothful and indolent. It is much easier in one's business to keep *ahead* of time than to keep up with its rapid march when once thrown ever so little in the rear. You will lose nothing by having your speech well committed, even a month before Commencement. It should be a rule of your life, established now in this your first appearance before the public, never to appear unless you can *appear well*, and also to appear whenever you can with propriety. 'The kingdom of heaven suffereth violence,' saith the Scripture, 'and the violent take it by force.' So it is with the world. The most resolute and inflexible bear off the palms and crowns in both. A man's character, reputation, and distinction are the works of his own hands. In contests for honorable distinction ever be found among the first of the foremost. *Nihil arduum est ipsis volentibus, sed nihil potest fieri illis invitis.*"

Linton has been thinking, if he speaks, of taking "The Government of God" as a subject. His brother suggests that he rather style it "The Philosophy of Nature," and adds, "if you could steer clear of theological abstractions and metaphysical refinements, I have no doubt that an address might be made embodying views no less interesting than new, and the materials would also allow of some flights of fancy and embellishments suited to the highest style of oratory." He hints that *Time* might be a better subject, but fears that it is rather of the "all-eloquent order." Many hints and thoughtful suggestions are given; and it is really touching to see how he endeavors to forestall all possible difficulties, to leave nothing unthought of, nothing unsaid that may be in any way helpful to this beloved brother.

On June 8th another long letter follows, still about the oration, in which he tells his brother something about his own.

"The subject of my Junior oration was *not* the Evidences of Christianity, but the expediency of rebuilding the penitentiary of the State that had been burned down. I discussed the subject with my class-room mate, John R. Reed. He took the affirmative and I the negative. The question involved, of course, the propriety of abandoning that system of punishment

in the State. With that speech I was never very well pleased, though by some it was pronounced the best delivered on the occasion. My reasons for disliking it were that it was prepared for the purpose of making a *speech*, and did not convey my real sentiments. It was written to defend a side, and not to express or enforce my own views. Besides, I had not committed it well. I was only about two weeks in preparing it. In the delivery I do not think I spoke one-half of it as it was written. Having gotten into the current, however, I went on with the tide, and having very soon lost my *prompter*, I ran at large like a loose horse in a public ground. Being intimate with the subject, many of the expressions and some of the illustrations were perfectly extempore.

. . . "My speech prepared for the exhibition at the full term was written upon the subject of our Cherokee country, and the manner in which it was about to be acquired, the expulsion of the Indians, and the forced occupation of the lands. The speech was decidedly against the policy of the State; so much so that the faculty would not let me deliver it, and with that course I was well pleased, for I had no particular anxiety to figure before the public,—not half so much as I ought to have had. The only penalty inflicted for the contempt in writing a speech not suffered to be delivered was the requirement by the faculty that I should write a *composition* during the vacation. This I did, and thus *purged the contempt*. My English salutatory was written upon the Imperfection of Science. The subject I thought very suitable to the occasion, and particularly to myself. I had then travelled through all the fields of learning, so far as means were afforded at that place, and had become familiar with most of the theories of philosophers who have undertaken to instruct mankind; and feeling deeply impressed with the consciousness of how little I knew myself, and believed others to know, I thought the time opportune to descant a little upon the ignorance of even the learned. That and the Latin address delivered at the same time are the only pieces of my college composition I now have, and their preservation was altogether accidental. . . . All my other papers, speeches, compositions, and scraps I collected and burned the morning before taking final leave of my room. This I have often since regretted; for even now I should like to look over those early effusions, and observe the gradual development of style and the change of thought as well as the manner of expression. I have no doubt I should see much to make me blush, and probably induce me forthwith to destroy them, for I was among the rudest of rude and raw beginners."

He has much to say in reference to a rather disgraceful riot that took place at the college. Linton, it is almost needless to say, was in no way connected with it; but still it gives his brother a theme for a long and earnest lecture, full of good monitions to a young man. . Disgraceful and dishonorable con-



duct or principles are to be looked upon with loathing as a moral leprosy. Those infected with them are to be shunned, but with pity, as we should shun a wretched leper. Shunned, that is, except when an opportunity offers of doing them good. But the rule of our own life is to be "stern and inflexible honor."

On August 14th he writes that his health is very bad again. He ventured incautiously upon a journey after being sick, and was made much worse. Suffers much with his side and a severe cough, and is trying vesication with tartrate of antimony. He adds:

"I have very little hope of ever getting well. This I mention, not from any peculiar feelings of despondency I entertain, but as the deliberate expression of my apprehension. It is true that with great care, prudence, and caution I may recover my former health, nor am I at all disposed to abandon the means. But still, from my constant watchfulness over my state and condition of health for some years, my apprehensions are as above expressed."

On the 16th he writes more about his health and the treatment he is pursuing,—reiterated blisterings and cupping.

"I did not write at all to excite your alarm so as to render you in the least uneasy. That I am in a delicate and precarious condition I feel confident: but then I am not at all apprehensive of any immediate or speedy turn in my disease in any direction. . . . I will keep you advised of my situation; and I want you by all means not to permit yourself to grow *uneasy*. I do not feel so myself, and do not wish anybody to feel so on my account. Life and death, as well as everything else, should be considered philosophically."

And he proceeds so to consider them. We can see that he really has no expectation of recovery, and wishes, without alarming his brother, to get him into a frame of mind that will be prepared for the worst. He concludes:

"In reference to my own particular friends, I hardly know whether it would be more agreeable to me to take my turn in advance or to go after. Be not therefore disturbed, because, first, there is no immediate cause, and, secondly, because to be thus disturbed is wrong in principle."

The letters now cease for two months. Mr. Stephens rapidly grew worse, and was prostrated with what all believed to be consumption. For weeks his sufferings were terrible and un-

remitting. He looked constantly for the end, but without fear and without complaint. Few men have spoken of or looked forward to death more calmly. Doubtless his habit, from childhood, of contemplating that event as not far off at furthest, and likely to occur at any time, as well as the almost constant suffering that made life less desirable to him than to most, have had much to do in accustoming him to regard it with equanimity. He neither shunned nor sought any reference to his own sufferings; but his lively sympathy was always for the afflictions of others.

After a time it became evident that the lungs were not, as was at first thought, the seat of the disease. It proved to be in the liver, where a large abscess formed, which at length opened into the lungs, and was discharged in that way. Relief followed; then rapid improvement of his health, which grew better than it had been since 1836.

In October he was elected to the State Senate, where he actively exerted himself in advocating various important measures, and in opposition to the Central Bank, an institution for the purpose of carrying on banking by the State, to the winding up of which he greatly contributed. One of the important questions which came up during this session of the Legislature was that of the adoption by the State of the law of Congress of June 25th, 1842, requiring that the Representatives to that body should be elected by districts, instead of what was then known as the "general ticket" system, by which each party prepared an entire ticket, which was voted on throughout the State. Mr. Stephens urged the Legislature to comply with this requisition, which it, however, refused to do.

Mr. Stephens, being in the minority, did not obtain any prominent position on committees, but reports on all matters of importance considered in committee were from his pen, among the rest a Report on the Financial Condition of the State; on the Railway, and the disposition of the State to abandon it; and on Education. Most important of these, however, was the Report of the Committee on Federal Relations, of which extended notice must be taken.

It was in this year, though previously to his election, that an attempt was made to force upon the country a renewal of the

protective tariff. By Mr. Clay's Compromise of 1833, one-tenth of one-half of all duties over a revenue standard was to be taken off every year for ten years, at the end of which time the other half was to be removed, and thereafter all duties were to be levied for revenue only. But in 1842 the Protectionists persistently refused to allow the compromise to go into effect, though it had been agreed to by all parties, North and South, and its acceptance had quieted the discontent of the nullification party in South Carolina. As in the case of Missouri and Maine, one party was willing to reap the immediate benefit of a compromise, and then did not hesitate at refusing to fulfil their part of the contract. So Congress this year passed a tariff bill of a strongly protective character, in open and flagrant violation of the Compromise of 1833. President Tyler promptly vetoed the bill. Another generally similar bill met the same fate. Finally the Tariff Bill known as the Whig Tariff of 1842 was passed and received the Executive signature. Though it was less objectionable than the others, still the Compromise of 1833 was abandoned, and in principle the Protectionists carried the day. A section of the Whig party that had supported the President in his veto of the bill creating "The Fiscal Bank of the United States," and were known by the name of "Tyler Whigs," acted with the Democrats in resisting the encroachments of the Protectionists. The debates in Congress were very animated, the country was excited, and party feeling ran high. The Southern States began uneasily to consider their position and prospects in the Republic, which position they looked upon as seriously endangered by the non-fulfilment of the Compromise of 1833.

In Georgia, the Whigs were slightly in the minority in the Legislature. During the session of the Senate an important debate occurred on the Federal Relations of the State, growing out of the majority and minority reports of the Committee on the state of the Republic. The matter under immediate consideration by the Committee was a part of the Governor's message. The previous Legislature (Democratic) had passed a series of resolutions, and transmitted them through the Governor to the Georgia Senators in Congress, disapproving of the political con-

duct of the Hon. J. M. Berrien, one of these Senators. To this Mr. Berrien did not reply directly, but published an address, justificatory of his conduct, to the people of Georgia. The Governor looked upon this action as a slight to both himself and the Legislature; and so it was considered by the majority of the Committee, who in their report recommended that Mr. Berrien should resign his seat. "The Legislature," they said, "has no power to compel a Senator to resign; but the theory of a Representative government, and the delicate connection between the Constituent and the Representative, imperiously demand that whenever he ceases to subserve the object of his appointment, he should at once surrender the delegated trust; and tested by this plain and obvious rule, Mr. Berrien will utterly defeat the end and design of a Representative government should he continue to retain the office of Senator in Congress."

From this theory, that the members of the State Legislatures were the constituents of the Senators in Congress, the minority dissented in a report prepared by Mr. Stephens, though he was not a member of the Committee. With regard to the proper constituency of the United States Senators this report says:

"The undersigned cannot agree with his Excellency, or the majority of the Committee, in the idea that the members of the Legislature are the proper 'Constituents' of the Senators in Congress. It is true that under the Constitution of the United States they elect them, but in doing this they act themselves in a representative capacity. Constituent and Representative we hold to be correlative terms. The Constituent is one whose rights and interests, to some extent, are confided or entrusted to another; that other to whom such rights and interests are so confided or entrusted is the Representative. The members of the Legislature, in electing a United States Senator, are but exercising a delegated trust. That trust is limited in its extent, specific in its nature, and ceases with its execution. The appointment is only made through them by their own constituents; and the Senators, when so chosen, represent them or their interests no more than any other equal number of the citizens of the State. Nor are they any more responsible or amenable to them than any other like portion of the mass of the people. The fact that the members of the Legislatures of the respective States, under the Constitution of the United States, are made the electors of Senators to Congress, in the opinion of the undersigned, no more makes them the 'Constituents' of the Senators, than that the election of President and Vice-President of the United States being made by Electors chosen in the respective States, according to the pro-

visions of the same Constitution, makes such *Electors* the constituents of these highest and most important officers of the Government. The cases, for illustration, are sufficiently analogous, and the principles applicable to one must be applicable to the other. If the Legislatures of the several States are the 'Constituents' of the Senators, then the Colleges of Electors in the same States are the only 'Constituents' of the President and Vice-President of the United States; and the same doctrine of instruction, of course, would apply; for if applicable in one case, why not in the other? And with this construction, what would be the result of our entire system of political organization? It would only be necessary for the Electors in each of the States to meet, and by their instructions to remove from office the Chief Magistrate of the country at every ebb and flow of party feeling, or change in popular opinion. But the undersigned do not so understand the Constitution; nor do they believe it was so understood by its framers or first expounders. They hold that the *People* of the States, and not the Legislatures, are the 'Constituents' of Senators in Congress, and that the people of the United States, and not the Electors, are the Constituents of the President and Vice-President of the Union. This was certainly the opinion of Washington, who, in one of his earliest messages to the Senate and House of Representatives, spoke of the people of the country as being his and their common 'Constituents.' Had he held the doctrine of the Governor or the majority of the Committee, he could not have looked beyond the Electors, 'the body from whom he derived his office,' in referring to his constituents. The majority of the Committee say that 'the Legislature has no power to compel a Senator to resign; but the theory of a Representative government, and the delicate connection between the Constituent and Representative, imperiously demand that whenever he ceases to subserve the object of his appointment, he should at once surrender the delegated trust; and tested by this plain and obvious rule, Mr. Berrien will utterly defeat the end and design of a Representative government should he continue to retain the office of Senator in Congress.' Now, what peculiar opinion the majority may entertain of the *theory* of a Representative government, by which they arrive at the conclusion stated, the undersigned are wholly unable to imagine; and as those *theoretical* views are not given, the premises from which the deductions are drawn being unknown, the legitimacy of the conclusion must, as a matter of course, remain a subject of mere speculation. The undersigned, however, in arguing such a question, would state that they recognized no principles or premises from which to start but such as are to be found in the Constitution of the country. And taking this as *their* rule and standard, and confining themselves in their inquiries strictly within its plainly-written and well-defined provisions, they hesitate not to say that the conclusion of the majority is altogether erroneous. If the majority have any other *theory* than that of the Constitution, the undersigned beg leave to say that they are not its advocates. They know of but one code of

principles governing the question, and they are to be found in the fundamental law of the Union,—the great chart of our Representative government. The minority take it for granted that what is meant in the report by the expression, ‘when a Senator ceases to subserve the object of his appointment,’ is, when he ceases to effect or carry out the wishes of those whom the majority are pleased to call his ‘Constituents’; or, in other words, to conform to the wishes of a majority of the Legislature. With this understanding, it seems only necessary to compare the proposition with the principles assumed as the standard to render its fallacy apparent to all. Ours is a government founded upon compact. Its principles and powers are so well and clearly defined in the instrument of its creation, as to leave but little latitude for theory in its construction. Nor are the duties, obligations, and responsibilities of those who officiate in its administration less distinctly marked; and the provisions of all which, as well as the powers granted, as the mode and manner of their execution, were wisely adjusted, with proper checks and balances, by its patriot founders, for the preservation of peace, liberty, and happiness. And according to the provisions of that instrument, the term of a Senator’s office is fixed at the period of six years, and is not left dependent upon the fluctuations of party strife, or the sudden changes of factious majorities. It may be true that the ‘theory’ of the majority ‘demands’ a different term, or one upon different principles; but it is sufficient for us that the *Constitution does not*. The propriety of this feature in the Government is not now the question for remark. All that is asked is that it be acknowledged as part of the Constitution, and that as such, so long as it remains unaltered, it be maintained inviolate. We believe, however, that there is wisdom in the clause fixing the term of Senators as long as it is, and that it was not so arranged or adopted without many salutary views. If the framers of the Constitution had thought, as the majority do, that the holding of the seat, on the part of any Senator, against the wishes of a majority of the Legislature of his State, at any time, would utterly defeat the end and design of the Government they were forming, would they not have made the tenure of this office dependent upon different principles? If all the good, and the advantages which it was supposed would be derived from the formation of this Government, could be so easily defeated, is it not strange that so important an oversight should have been committed by men so distinguished for learning, wisdom, and patriotism? Such an argument, even if we were left to our own unassisted conjectures, would do injustice to their memories. But when with the light of their own exposition we are taught that this feature was incorporated for the express purpose of rendering that branch of the National Legislature free from the influence and control of sudden changes in popular opinion, how can we or any one subscribe to the doctrine that the effectuation by a Senator of this very original design is a subversion of the Government and a defeat of the end of its creation? And with these views and principles we beg leave re-

spectfully to declare our attachment to the Constitution of the country as it is, in preference to any undefined principles or untried 'theories of a Representative government,' entertained by those of a majority of the Committee. This expression of opinion on the part of the majority we deem no less indiscreet in another consideration. Twice at least, in the last four years, a majority of the Legislature of this State differed, on most of the great questions of national politics, from both their Senators in Congress. Without stating what the course of those majorities then was, as a precedent now, it is sufficient for our present purpose to say that the Senators continued to retain their seats; or, in the views perhaps of the majority, 'ceased to subserve the objects of their appointment.' The same may be said of several other States of the Union; and what has been the result? Has the end and design of a Representative government been thereby utterly defeated? And can the majority seriously entertain the opinion that if the Honorable John M. Berrien, who deservedly stands among the first in the Senate of the United States for learning and eloquence, and who is no less an honor to his State than an ornament to the nation, shall continue to hold his place, though he may happen to differ at this time from the majority in the Legislature of his own State on many questions of public policy, that this will result in an utter defeat of the end and design of Representative government? We can hardly conceive that we have to do more than barely state the proposition to cause them, however strong may be their party zeal, at least to see the error of their position, if not to modify the extravagance of their assertion."

But the minority did not stop with these refutations of the position of the majority. They took this occasion clearly to state their views, and the views of such as agreed with them on the great public questions then under agitation; and their very able presentation of these views caused this document to be received as a declaration of principles of the Whig party in Georgia. As such, and as a clear enunciation of Mr. Stephens's own political doctrines, we give the remainder of this report almost entire. After showing that the assertion of the majority that the people of Georgia were opposed to a National Bank was not supported by sufficient evidence, and that the warm support the State had given President Jackson had other causes than his antagonism to that institution, the report proceeds:

"Another broad declaration made by the majority, to which the undersigned cannot give their assent, is that 'the people of Georgia are opposed to the distribution of the proceeds of the sales of the public lands.' Now, how this conclusion is arrived at we must confess that we are equally unable to determine. In this case, adopting the same standard as that

assumed in the previous one, we certainly arrive at very different conclusions from those attained by the majority. If, by the phrase 'the distribution of the proceeds of sales of public lands,' it is meant to include the distribution which was lately expected to take place, certainly the Committee will not even attempt to maintain their position; for, if we be not misinformed, a place was left for the use of those funds in legislative appropriation even before their reception; and the present Governor of this State was among the earliest, if not the *first*, in the whole Union, to make application for the portion coming to Georgia. This, in our opinion, would not justify us in saying that the people were opposed to the distribution. But perhaps the majority mean only to say that the people are only opposed to the *principle* of the distribution, though they are willing and ready to receive their part when it is made. That

'The right they see, and they approve it too,  
The wrong condemn, and yet the wrong pursue.'

But this would be giving the State such a position before the civilized and moral world as we would be slow to acknowledge. And as we are unwilling to see this injustice done to her character by any such unauthorized statement, we feel bound to vindicate her honor from the unwarrantable aspersion. We believe that the State has applied for her quota because it was right and it was just, and that, for the same reasons, she could continue to demand it. But the question now is not the propriety of the distribution; it is whether the people of Georgia be opposed to it? and in determining it as before, we only have recourse to the indications of the past. So far as the application for her portion of the dividend expected to be made is concerned, that is certainly a strong demonstration in favor of the distribution. But this is not all. In 1837, when the large distribution was made of the surplus revenue of the United States, which accrued mostly from the sales of the public lands, Georgia showed no formidable opposition to the measure, but readily received her part, and thereby added over one million of dollars to the means of the Central Bank, to aid the people in her munificent loans. From these examples, how can it be said that her people are opposed to the distribution? But again: in 1833, when the question as to the proper distribution of the public lands was before Congress, Georgia gave some expressions of the views of her people upon this subject, at least so far as a legislative resolve could, with propriety, be considered as such expression. The language of the Legislature at this time was in the following words: 'Without specifically inquiring into the means by which the United States Government became possessed of the public lands, or the causes which, after the war of the Revolution, induced several of the States to transfer to that Government all, or a great portion, of their unoccupied lands, under certain limitations and restrictions, specified in the several deeds of cession or relinquishments, your Committee deem it sufficient to state that those deeds and relinquishments, and all other pur-



chases of lands by the United States Government, were made for the common benefit of the several States. That it is a common fund to be distributed without partiality, and to inure to the benefit of all the States.'

"Here is a most positive declaration of sentiment nine years ago, before any distribution had been made, that these lands were a common fund, not for the benefit of the General Government, to be wasted and squandered in useless extravagance, but for the *several States*,—that is, each *individually*; and that this fund ought to be distributed among them *without partiality*. How then, in the face of this declaration, and after the distribution which has been made, and Georgia's reception of, or application for, her portion, can we join in the assertion that her people are opposed to the distribution? But, as stated before, we apprehend the object is rather to form and forestall public opinion, than to express what it really is. For why should Georgia be opposed to this distribution? Has she no interest in those lands and no right to a part of their proceeds? We conceive that she has; and that she should neither neglect her interest nor relinquish her right. The Territory of Georgia once extended to the waters of the Mississippi, including within its limits the present new and flourishing States of Alabama and Mississippi. This immense region, embracing some of the most fertile soil on the continent, was once the property of our fathers. Had it been kept and retained by them it would have been worth millions of treasure; but for purposes more patriotic than prudent, they ceded this entire domain, forming the two States above named, to the General Government, under specific limitations and conditions. These were, that the lands, after the payment of a certain sum of money, and making good certain titles, should be held by the General Government as a common fund, for the benefit of the United States, *Georgia included*, and for no other purpose whatever. The language of this condition is as follows: 'That all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, *Georgia included*, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.'

"Similar deeds of cession were made by the other States which were the proprietors of those territories which now also embraced parts of the public lands. The terms of the Virginia cession are very much like those of Georgia. They expressly stipulated that these lands 'should be faithfully and *bona fide* disposed of for the purposes specified in the cession, and for no other use or purpose whatsoever.' Now, these first objects of the deeds of cession having been fully accomplished, what do the advocates of distribution ask, but that the remainder of these lands shall be faithfully and *bona fide* disposed of, according to the terms by which the Government acquired them? Is it not right that Georgia and other States

should insist upon the fulfilment of the contract, so far as their interests are concerned? And if it is right, why should it not be demanded? Is it sufficient to be met with the answer that it is better for the General Government to keep these funds to meet its own ordinary expenses rather than turn them over to the States to whom they rightly belong, for fear, in case of their withdrawal, that heavier contributions will be laid by way of taxation? We think not. It would be an insufficient answer in any trustee, when called upon to account for funds committed to his charge, that he had used them in the payment of his own debts. Nor does it follow that if these funds be distributed according to contract more taxes will be levied. The people will rather require the expenses and extravagances of the Government to be curtailed, which would be one of the most salutary ways of effecting that reformation. But this reply is only intended for deception and delusion. It is well known that millions of these lands have already been squandered in gifts, largesses, and donations, and are not brought into the common treasury of the country. For years past they have been kept as a kind of reserved fund of speculation for the political gamblers for the Presidency. Millions of acres have been given as bounties to schools and colleges, and for other purposes, in the new States; and every means has been resorted to, by the friends of different favorites, to secure the popularity of the men of their choice by some new method of wasting the public domain. And the contest now is really not between the claims of the treasury and the friends of distribution, but between those who advocate a partial or entire surrender of the lands to the new States and those who insist upon a division of their proceeds, according to the terms of cession. And are the people of Georgia willing to see these lands, and the immense interest she has in them, either so squandered, or entirely abandoned, according to the views of different political aspirants? Has she no use for money that she should be so lavish and prodigal of her treasure? If the General Government is in debt, it has been incurred by its own profligacy; and should Georgia and the other States surrender their rights in order to sustain its credit when their own is permitted to go dishonored? Let the United States account to us for what is our due, and we will not fail to render to them every dollar that is legally and properly exacted; or, in other words, let us have but *our own*, and we will be the better able to pay what is *theirs*. . . .

“In the third place, another principle to which the people of this State in the report are said to be opposed, is ‘the abolition of the Veto Power.’ Had nothing else been said upon this subject or no attempt been made, as we conceive, to misrepresent the views of our honorable Senator in relation to it, we should have given this proposition our hearty assent. No man in this State, perhaps, is in favor of the abolition of the veto power. Judge Berrien certainly is not, so far as we can judge from his sentiments declared. No one can express his views upon the subject more clearly than he did himself in the Senate of the United States. We beg

leave to refer to his words, that none may misunderstand either *him* or that modification of the veto power of which he is in favor. 'I ask,' said he, 'the Senate now to consider what it is the resolution proposes as a security against the recurrence of this state of things? Does it seek to abolish the Executive Veto? No, sir; this is not the proposition. It is simply to modify the existing limitation. Let us now look to the limitation which the resolution recommends. It proposes that when a bill which has passed both Houses of Congress shall be returned by the President, with his veto, all further action shall be suspended upon it until the next succeeding session; in the mean time the reasons of the President will be spread upon the Legislative Journal,—will be read, considered, submitted to the public, and discussed orally and through the medium of the press; and members will return to their constituents, will mingle with and consult them. At the opening of the next session of Congress the resolution proposes that the consideration of the bill shall be resumed; and then if the majority of the whole number of Senators and Representatives elected, after the interval thus afforded for deliberation, for consultation with their constituents, and for the public discussion of the subject, shall reaffirm the bill, it shall become a law.'

"Such are the sentiments of the Senator, from which it will appear how great injustice is done him in imputing to him a wish to abolish the veto. But the majority say, if the proposed modification should be adopted, 'all our rights, and the Constitution itself, will be the sport of an irresponsible majority in Congress.' This is bold language, and upon a grave subject, and therefore deserves particular attention. In noticing it we will suggest but three inquiries. In the first place, will not the rights of the people be as amply protected in the hands of a number of Representatives as by the will of one man? Would they be less secure with their Representatives in Congress than with the President? In the second place, if the Constitution should be so amended, would Congress have any more power over it *then* than they have *now*? Congress has now *no* power over the Constitution. They are bound by its precepts. And as the proposed amendment confers no *new* power, Congress, of course, would have no more over it after the amendment than before. In the third place, how can the majorities in Congress be said to be irresponsible? Are they not elected by the people? Do not the members of the House hold their office for the short term of two years? Are they then not amenable to the people? If they do wrong, or misrepresent the wishes of those who elect them, will they not be displaced and others put in their stead? Are they then not amenable to the people? If they do wrong, or misrepresent the wishes of those who elect them, will they not be displaced and others put in their stead? Are they more irresponsible than the President?

"But, in the fourth place: Another subject is mentioned in the report, on which the undersigned were desirous that no disagreement should ex-

ist either in the Committee or in the House. We allude to the principles involved in the adjustment of the tariff. Nor would we notice the subject at this time if we did not conceive that there has been an evident attempt in this particular also to do great injustice to the position of our honorable Senator in relation to it. The majority, in their first resolution, declare that 'the opinions of the Honorable John M. Berrien upon the adjustment of the tariff are in direct opposition to the principles of a large majority of the people of this State.' And in their preamble they state that a majority of the people believe that a tariff for protection is unequal in its operations, oppressive, and unjust. From this the inference is clear that principles are imputed to the honorable Senator favorable to the enactment of a 'tariff for protection.' This imputation we deem utterly unfounded and altogether unjust. Judge Berrien has always been opposed to a 'tariff for protection'; or, at least, we supposed that this position would be granted him wherever the author of the 'Georgia Manifesto' was known. Nor do the undersigned know with what recklessness of purpose a contrary position is now charged upon him. Perhaps the same spirit, if unchecked, would lead its authors to make the same unwarrantable allegations against the whole political party in this State with which he acts. If so, our object is to repel even the insinuation. The opinions and principles of that party upon the Tariff question have always been known. They have undergone no change. And in making a declaration of them we presume we would be stating in the main those held by our Senator. We are, and have been, in favor of a tariff for *revenue* and *revenue only*; and that for no more revenue than is sufficient to support the Government in an economical administration thereof. We hold that in levying such a tariff, in many instances it may be both proper and right to discriminate. This may be done either for the purpose of retaliating against the policy of foreign nations who may subject our produce to heavy taxation, or for the purpose of exempting some articles of foreign production consumed extensively in this country (and in some instances by classes less able to bear the burdens of the Government) from so high duties on others more able to sustain them. And so far as such a tariff incidentally encourages, fosters, or protects the domestic industry of the country in any branch thereof, whether mechanical, manufacturing, shipping, or agricultural, it may properly do so. A tariff 'for protection,' to which we are and have been opposed, is, where the tariff is levied not with a view to *revenue*, but for the prohibition, totally, or in part, of the importation of certain articles from abroad, that the producers of such articles in this country may have our market to themselves, free from foreign competition; or that the price of the foreign articles may be so enhanced by the excessive duties as to enable the home producer to enter the market without fear of competition. Against this we protest, because the means used are not legitimate; and it is highly oppressive to the interests of all other classes in society who are the consumers of such

articles. As far as the Government, in the proper exercise of its powers, can give encouragement to the general industry of the country, or aid in the development of its resources, it should do it. But not one step beyond that should it go.

“With these views we beg leave to submit the following resolutions:

“*Resolved*, That the Hon. John M. Berrien, our Senator in Congress, for the able and distinguished manner in which he has discharged his public duties, receives our warmest approbation, and is entitled to the thanks and confidence of the people of Georgia.

“*Resolved*, That we do not consider the members of the Legislature the proper constituents of Senators in Congress; or that the Senators in Congress are any more responsible or amenable to them than to any other equal number of like citizens of the State.

“*Resolved*, That in our opinion a majority of the people of this State are decidedly in favor of the utility and expediency of a National Bank, compared with any other system of finance proposed to the country; as well as a distribution of the proceeds of the sales of the public lands among the States, *severally*, ‘*equitably*,’ and ‘*without partiality*.’

“*Resolved*, That in our opinion the most proper and expedient way of raising means to meet the ordinary expenses of the General Government is by duties upon imports; and though in the levying of such duties for this main object a judicious and proper discrimination be exercised, yet in no instance should duties be laid for the purpose of *protection*, but for *revenue* only.

“ROBT. A. T. RIDLEY,

“A. B. REID,

“WM. B. TANKERSLEY,

“JOHN CAMPBELL.”

“JOHN TOWNSEND,

“JAMES T. BOTHWELL,

“EZ. BUFFINGTON,

We have quoted at considerable length from this document, because, as before remarked, it was accepted as a declaration of the principles of the Georgia Whigs, and formed their platform in the ensuing Congressional election. It will be seen they differ considerably from those of the Northern Whigs.

The doctrine that the Senators in Congress represent the Legislatures of their respective States is so unreasonable, that one would think it had only to be plainly stated to be refuted. The principles on which the two Houses of Congress were constructed has been explained in a previous chapter. A Constitution could not have been formed in which no respect was had to the difference of population of the States, nor could one have been formed in which the States entered otherwise than as equal Sovereign Powers. Hence the inequality in the lower House, and equality

in the Senate. The constituents of the Senators are the People of the State as an organic whole—a Sovereign Power; the constituents of the Representatives are the People of the State as a multitude of individuals.

The National Bank was a Whig measure everywhere. It was believed that such an institution could be established which would be free from the defects that rendered the former one so pernicious, and to which, as we have seen, Mr. Stephens had been so emphatically opposed. The distribution of the proceeds of the public lands, however it might have worked, would have been far better than having a glutted treasury to invite plunder and stimulate corruption, or than the scheme which, under the specious name of “Public Improvements,” added a dangerous power and influence to the General Government, and made it possible to bribe whole States, even to the detriment of those whose bounty had furnished the means.

Against the impolitic and iniquitous system of protection (now defended in no enlightened country except the United States) it will be seen they take firm ground. In this they were supported by sound political economy, simple justice, and the provisions of a solemn agreement. They could not foresee that at a later day the leading spirits in Congress would be men to whom these things would be laughing-stocks, and the Constitution itself the object of scorn and derision.

## CHAPTER XVI.

Journey to Florida—A House of Mourning—The Rays—Nomination to Congress—Discussion with Judge Colquitt—The Tables turned—Election of Mr. Stephens—Death of Aaron Grier Stephens.

IN the following year, 1843, we find the correspondence with Linton renewed, as the latter had returned to college. In April Alexander informs him that he is about starting for Florida. He travelled in his buggy, taking his servant, Bob, with him on horseback. Little is said of this journey, which went as far as Tallahassee; perhaps the postal facilities were not great. On his way home he writes a long letter from Hamilton, chiefly in reference to domestic affliction in the family of his brother John, who lived there, one of whose children had just died of scarlet fever, and another was very ill. He stayed a week to help in nursing the sick and comforting the mourners.

"I do not remember when I approached a family in the midst of so much gloom, or when my own heart has been so much saddened. I came expecting enjoyment and hoping to partake of such pleasures as generally attend the meetings and greetings of kindred and friends after long intervals of absence. Instead of this, I came to a house of mourning, and my office was to comfort the grieved and soothe the afflicted. This is, perhaps, after all, the best way in which to spend our time. Our life is but a chequered scene at best, furnishing much more over which to mourn than to rejoice. Now and then, it is true, it is favored with a ray of sunshine and beauty to warm and gladden the soul, and cause its young hopes to bud and blossom. But no sooner are they fully blown than they are nipped by untimely frosts or blasted by chilling rains, or dashed to pieces by reckless storms. Man's history is a strange mixture of pleasure and pain, joy and sorrow, hope and despair, life and death! A mystery, deep, dark, and unfathomable! To live to-day,—to be warm, to move and think: to-morrow to be silent, cold, and dead,—devoid of mind and sense, fast mouldering into dust,—fit food for worms. To-day with a spirit that can scan the universe and make its own impress upon the world that ages cannot efface,—to-morrow to be nothing but loathsome matter to be hidden away to rot. This is man."

On May 28th he reports his safe return, and gives a minute account of his reception, the condition in which he found things, and the various events, fortunate or otherwise, that had happened during his absence. On June 4th he sends complimentary and gallant messages to Miss Elizabeth Church (daughter of Dr. Alonzo Church, his old friend, now President of the university) on the announcement of her engagement with Lieutenant Craig. This charming and accomplished lady was married soon after. Her husband, about the year 1853, was murdered by a gang of mutineers in the army, on the survey of the Mexican boundary, and in 1859 the widow married James Robb, Esq., of New York. During the war she became known to thousands of our Southern soldiers while prisoners at the North, whose wants she supplied as far as was in her power. She died in 1868. The letter closes with a sketch of an evening visit paid to his cousin Sabrina Ray, which forms a pleasing picture of life on an old-fashioned Georgia farm.

"They [the Rays] seem peculiarly fitted for taking the world easy and making the most of it as it goes. Tom [Mr. Ray] is really amusing. I hardly know what to make of him. He has no desire to make any more than just enough to live comfortably on, and then to live to enjoy it. They were all hands at work. Cousin was weaving, while William's wife and Granny [both servants] were making the wheels fly. They were all glad to see me. We had a fine supper. Cousin milked her own cows. I went with her to the pen. She has a fine spring-house, and I saw all her jars and pans of milk, butter, etc., fresh and as cool as the fountain. At supper no one had coffee but myself: milk was the only beverage, some taking buttermilk and some sweet milk, and every one having his mug. All seemed contented and cheerful, and full of such happiness as, when weary and tired with a long day's work, night brings to the industrious when in health. No sooner was the evening meal over than preparations were made for bed, and in a few minutes all of this world, its cares and losses, its trials and ambitions, were forgotten in sleep."

On June 14th he writes in anticipation of a journey to Milledgeville, where he will be a delegate to the Whig Convention. He refers with feeling to Linton's final examination, which will soon take place. It brings back to memory the time when he sent his brother off to college.

"Well do I remember with what solicitude and intensity of feeling, known only to myself, I fitted you out for your departure to college. And



then, when all things were ready, the hour arrived, the last words were spoken, and in a few moments more the whirling car rushed recklessly on in the darkness. and I returned to my room, how I committed you and your fortunes into the hands of that mysterious Providence who guides our destinies. At that time, owing to the great feebleness of my health, I hardly permitted myself to indulge the hope of living to see the time of your graduation. But now your course is nearly ended, and that period has almost arrived. If you shall live a few short weeks longer, you must take your stand among men. Have you ever seriously considered and fully realized how near you are to so important a crisis in life? If not, it is time that the subject, with all its gravity and responsibility, was kept constantly in mind. Would that I had time and space to present it in its various shapes! The past has been pleasant; you have been agreeably entertained in looking at the world at a distance, and as a stranger or disinterested spectator, philosophizing perhaps upon its various characters, its pursuits, its inconsistencies, its passions, its shifts, its struggles, and its treacheries. But your position is now to be changed, and all these are to be encountered. Some liken college life to the world in miniature, and the illustration is not without some aptness. But such a life compared to that of the outer world is more like sailing upon the unruffled surface of the broad river, or the still, widening bay, just before it issues from its restricted channel and the protecting embrace of its banks and capes, into the wide expanse of waters just ahead, compared to the breasting and weathering the mighty waves and raging billows that are ever heaving and rolling and surging on ocean's bosom. Life's passage is over a tempestuous sea, and well built, well manned, well piloted must be the barque that safely makes the voyage. Many spread their sails joyously to the breeze, but few reach the wished-for haven. Be not, then, inattentive. It is an important period of your life. You never did and never will stand in more need of cool thought, sober reflection, and good judgment than now. Especially let not *passion* control your feelings. Life is just before you; and the part you are to act in it has now soon to be shown, and the character you wish to sustain is now to be formed."

The last available corner of the paper has now been filled, and the letter must come to an end.

*July 2d.*—The final examination is over, and Linton, alone in his class, has gained the First Honor. Immediately there is a slight change in the tone of the correspondence. The brother who has been stimulating him to exertion, arousing his ambition for honorable distinction, now that he has won this distinction, begins to speak of it as a thing that is satisfactory and creditable, to be sure, but no such immense triumph after all. It was a wise Mentor the young man had.

"I was indeed gratified to learn that you had received the First Honor in your class; not that I attach the least importance to the mere show or *éclat* of such a distinction, but I was gratified to have the evidence that you had not misspent your time, and that during the four years of your absence you had not been unmindful of the first of all duties,—your duty to yourself in the cultivation of your morals and your mind, and in fitting yourself for usefulness in those scenes of life into which you are now about to enter. . . . In rendering yourself worthy of this distinction, you have but done what you ought to have done, and deserve the same commendation due to all persons who pursue a similar course of conduct, and nothing more. From want of a correct way of viewing such things many young men, who otherwise would have succeeded well in life, have been utterly ruined by being the favored objects upon whom such distinctions have been once bestowed. The nature of *true honor* is misunderstood by them."

However they may misunderstand it, he does not mean that his young brother shall make their mistake and interpret a certificate of having done his duty into an intellectual patent of nobility. He must not think himself a conqueror because he has learned to use his weapons fairly well: the battle is all to begin yet.

In this year a vacancy occurred in the Georgia representation in Congress by the resignation of the Hon. Mark A. Cooper, who had been nominated by the Democrats as their candidate for Governor. To fill this vacancy the Hon. James H. Starke, of Butts County, was nominated by the Democrats, and Mr. Stephens by the Whigs. The platform of the Whig party was substantially the same as that laid down in the Minority Report previously quoted. Mr. Crawford was the Whig candidate for Governor.

The nomination, though unsought, was accepted, and he prepared himself for an active campaign, having a majority of about three thousand to overcome. The personal influence that he was able to exercise was never shown to greater advantage than during this campaign. His peculiarly youthful appearance, his slender figure and boyish voice, contrasted so strangely with the energy of his appeals, the cogency of his arguments, the copiousness of his knowledge, and the power and persuasiveness of his eloquence, as to give to these a double impressiveness, and to astonish as well as convince his hearers. He had formed the

habit of studying with the most minute and unwearied diligence the subjects which were to be discussed, and this habit, with his singularly retentive memory, caused him never to be at fault, and alone was sufficient to make him a most redoubtable antagonist.

In this campaign he met with various humorous adventures, and was more than once mistaken for a mere boy, and treated as such; a misconception which he always enjoyed, as there was generally an amusing scene of discomfiture when the error was discovered.

It was soon apparent that this boyish speaker possessed to an extraordinary degree the power of swaying the multitude, and the Democrats, despite their strong majority, began to feel that they must exert themselves to the utmost or they would lose the election. Accounts came down from the mountains into Middle Georgia that this youthful challenger had vanquished every opponent who had met him in debate; so it was thought prudent to send an old and proved champion to despatch him at once and get him out of the way. Their choice fell upon Walter T. Colquitt, then thought the ablest stump-speaker whom Georgia had produced, and who is still remembered with admiration by those who heard him in the prime of his powers.

Mr. Stephens had an appointment to speak in the village of Newnan. Just before the hour arrived, it was found that Judge Colquitt was present, and the Democrats requested that he be allowed to take part in the discussion. The Whigs, somewhat dismayed at the entrance of this doughty paladin into the affray, were about to refuse, when Mr. Stephens interfered, declared that it would give him pleasure to meet the judge, and cordially invited the latter to share in the debate. It is probable that the judge so far underrated the abilities of his antagonist as to be less cautious than his custom. Some one, we are told, had furnished him with a copy of the Journals of the Legislature marked at those votes of Mr. Stephens which it was thought might be used against him. One of these votes was against the payment, by Georgia, of pensions to her soldiers who had been disabled in the Creek war, and to the widows and orphans of those who had fallen; another was against paying the men en-

gaged in Nelson's Florida expedition, by resolution of the House. The judge glanced at them hastily, without sufficient examination of the whole record, and proceeded to introduce them with immense emphasis in his speech, appealing to the audience to know if they would give their votes to the man who would have refused a pension to those who suffered, and to the helpless widows and children of those who died in defence of the country. The effect on the audience was powerful. Mr. Stephens in reply called attention to the fact that these persons were entitled to pensions from Congress, pensions to be paid out of the common treasury, to which Georgia as well as the other States contributed. That while he heartily approved these pensions, he did not see the justice of Georgia paying special pensions to her soldiers, who were already provided for by Congress for services done to the United States, while she was also paying her full quota, not only to these, but to the pensions of all the soldiers from other States. As to the payment of Nelson's men, he had voted against it because it was proposed in an unconstitutional form by a mere resolution instead of a regular bill; and he showed that when the same measure was properly introduced he had voted for it.

But while the judge was speaking, Mr. Stephens had sent for the Senate Journal, and after making the above explanation, added, that whether his vote was right or wrong, it was not for his opponent to censure it, since the Journal in his hand showed that he, in his place in the Senate, had voted against the resolution, just as Mr. Stephens had done in the lower House. This entirely turned the tables. The triumph was as complete as it was unexpected, the judge and his friends were utterly discomfited, and the Democratic majority in the county was overcome. This campaign placed Mr. Stephens at once among the acknowledged leaders of the Whig party throughout the State. The whole Whig Congressional ticket was elected by the largest majority given in Georgia for many years; and thus, at the age of thirty-one, Mr. Stephens was chosen to represent his native State in the Federal Congress.

If Mr. Stephens felt any triumph at the attainment of the position he now occupied, it was rendered joyless to him by severe domestic affliction,—the loss of his elder brother, Aaron

Grier. He had always loved this excellent man with more than a brother's affection. And this companion during the years of childhood and orphanage, the yoke-fellow under the burdens of poverty and care, the constant attendant in all those seasons of sickness, each of which seemed the harbinger of death,—had grown to love him better than all the world. By industry and frugality he had accumulated a moderate fortune, had married and settled on a plantation in the same county. His death occurred a few days after the election.

No human being, except Linton,—still almost too young to enter into full sympathy with him,—knew the depth of grief that this bereavement brought to Alexander Stephens. If there be any time when the loss of an old and beloved friend causes a keener pang than at any other, it is when that loss comes just at the opening of brighter fortunes after a period of adversity which the lost one had shared, and which his exertions had helped to retrieve. When two have borne together sufferings and toils, and shared in the hope of better days, and these better days, when they come, come but to *one*,—that one feels an anguish that he could not have felt if his companion had left him in the depth of their trial, or after long enjoyment of the reward. What, then, must have been the pain to a man in whom fraternal affection was the deepest and most absorbing passion of his nature? Yet at this time the public thought the young Congressman one of the happiest of men.

Without possessing the unusual vigor of intellect of his brothers, Grier Stephens was a man of no mean abilities. In disposition he was the most gentle, the most kindly-natured of men, and all who knew him loved him. He left a widow and one child. The latter did not long survive him, but the widow lives and has never remarried.

## CHAPTER XVII.

Debate in Congress—Humors of Mr. Cobb—Correspondence—Presidential Canvass—Anecdotes.

ON the night of his arrival in Washington Mr. Stephens was attacked by severe illness, which lasted about two weeks. His first speech on the floor of the House was upon a question which touched him and his colleagues very nearly,—their right to their seats. It has been mentioned that the Georgia Legislature refused to comply with the requirements of Congress that the State should be divided into Congressional districts, on the ground that such a requirement infringed that clause in the Constitution reserving to the State the right to prescribe "the times, places, and manner of holding elections for Senators and Representatives." Mr. Stephens favored the district system; but, as it was not adopted, he was elected upon "general ticket." The question then arose in the House whether members thus elected were entitled to seats; and it was referred to a committee, the majority of which reported (1) that the second section of the Act of June, 1842, for the apportionment of Representatives among the States according to the sixth census, "is not a law made in pursuance of the Constitution of the United States, and valid, operative, and binding upon the House." And (2) that all the members of the House (excepting the contested cases from Virginia, on which no opinion was expressed) "have been duly elected in conformity with the Constitution and laws, and are entitled to their seats in this House."

In the debate which followed, Mr. Stephens spoke against the adoption of the report. He argued that Congress possessed the power, under the Constitution, of regulating these elections; that the law in question was a proper exercise of that power; and that it applied to the cases of himself and his colleagues.

He very distinctly expressed his unalterable opposition to any invasion by the Federal Government of the rights of the States, but he as distinctly upheld the supremacy of that Government in its legitimate sphere. The fact that he was arguing against his own right to a seat had no influence upon him : it was his duty to maintain what he believed to be right and justice. The tenor of his argument and nature of his position will appear from the following extract :

“There is, Mr. Speaker, another particular also in which I do not agree with the gentleman from Mississippi. He says that if he believed the second section of the Apportionment Act to be constitutional, he would not consent, coming as he does from a State electing by general ticket, to hold his seat in this House. Now, sir, I come from a State electing in the same way ; and I believe the section of the act alluded to, and now under consideration, to be a constitutional law ; and that it ought to be considered as operative and valid, touching the elections of members, in the organization of this House. Entertaining these opinions, I have been asked how I could consistently retain my seat as a member of this body, sworn as I am to support the Constitution. My answer is, that I submit the question to this House, the constitutional tribunal, for its decision. This, sir, is a constitutional question which individually concerns me but little ; but one in which the people of the State I have the honor in part to represent, as well as the people of all the States, have a deep interest ; and one in the settlement of which the same people have a right to be heard. The people of Georgia, sir, have a right to representation here, either by the general ticket or district system. A majority of that people, I believe, agree with me that the district system, under existing laws, is the legal and proper one. And here I would respectfully dissent from the opinion of one of my colleagues [Mr. Black], expressed on a former occasion,—that the people of that State were united upon this subject, and that the prevailing opinion of both parties was in favor of the general ticket. I think if there is any one particular in which both parties of that State are more nearly agreed than upon any other, it is the district system.

“The question involved in the subject now under consideration is one upon which great difference of opinion seems to prevail ; and it is one neither for me nor a majority of the people of Georgia, but for this House to determine. This House, by the Constitution, is made the sole ‘judge of the elections, returns, and qualifications of its members,’ and if you say that the members elected by general ticket are legally and properly returned, your decision, by the Constitution, is final and conclusive upon the subject ; and, in that event, a majority of the people of Georgia say I am to be one of their representatives ; and if you say the law of Congress is valid, and ought to be regarded as such, why, the present delegation will

retire, and another will be sent according to the provisions of the existing law of the State. In either event, the people, if represented at all, ought certainly to be represented by those of their own choice.

"I have been told by some that my position was like that of a suitor at court, who claims a hearing, and at the same time denies his right. By no means, sir. My position is more like that of the representative of a suitor at court, when there is *no doubt* as to the *right of recovery*, but some difference of opinion as to the right way to be pursued in obtaining it, and which is not to be settled by the suitor or his representative, but by the court.

"Is a man to be deprived of his rights because he may differ from the court as to the proper form of action to be brought? Or, are a people to be disfranchised because they may differ from this House as to the proper and legal mode of election? When a man is sworn to support a constitution, sir, which provides for its own amendment, I hold he is as much bound to support an amendment, when made in pursuance thereof, as he was to support the original constitution; and when he is sworn to support a constitution which provides a tribunal for the settlement of any class of cases arising under it, where differences of opinion may prevail, he is as much bound to acquiesce in the decision of such tribunal when made, and to the extent made, until reversed, in any case so arising, as he was bound to be governed by his own opinions in relation to it before. This, sir, is one of the first principles of all societies, and part of the obligation of every individual implied when he becomes a citizen of government, or takes the oath of allegiance. Else, why should there be a tribunal to decide such questions, if obedience and acquiescence to the decision, when made, should not be regarded, in every sense of propriety, right and proper, both politically and morally?

"Sir, without this rule there could be no order and no government; but every man would set up his own judgment—or a much less safe guide, his own conscience—as the rule of his own acts; and the most lawless anarchy would be the result."

The alleged inconsistency between his views upon the law and his accepting a seat in Congress through an election which set that law at defiance, led to some sharp criticism by his colleague in the House, the Hon. W. H. Stiles. The attacks of this gentleman were answered with corresponding spirit, and for a while serious consequences were apprehended.

For the small details of personal history at this time we must again recur to the letters. On March 3d he gives an account of a walk taken that afternoon with Lumpkin and Cobb. Mr. Cobb had a great love of humor, and an almost boyish fondness



for a practical joke, which he retained throughout his life, in adverse as well as prosperous fortunes.

"While we were passing the row of hacks at the depot waiting for the evening cars, he said to Lumpkin aloud, 'Here, Lumpkin, you can get a hack here.' In a moment about twenty hackmen were around Lumpkin, crying, 'Want a hack, sir?' 'Hack, sir?' 'Here's a hack, sir!' Cobb walked on, as if he had done no mischief, leaving Lumpkin to explain himself out of the difficulty, for half of them seemed to consider it a clear engagement."

On March 10th we learn that the affair with Mr. Stiles has ended, fortunately, without a hostile meeting, and even without a challenge. Good feeling has not quite returned, however, as he reports himself on friendly terms with all the members from Georgia except Mr. Stiles. He wants Linton's opinion upon his rejoinder to that gentleman. About this time Linton had removed to Washington, Georgia, and was reading law with Mr. Toombs.

On April 22d he writes: "At this time little or nothing is spoken of here but the Tariff and Texas." [Question of the admission of Texas.] "I have just seen a letter of Mr. Clay to the editors of the *National Intelligencer*, defining his position on the Texas question. He is against the Treaty, involving as it does, in his opinion, a war with Mexico. It is very full, clear, and satisfactory."

*April 23d.*—"We had a rare show in the House to-day." This was a fight between White, of Kentucky, and Rathbone. Some one had reported that Mr. Clay had said, "We must have some sort of slaves in order to keep our wives and daughters out of the kitchen." White characterized the report as false, and Rathbone, who had endorsed it, assaulted him.

*May 4th.*—He has just returned from the Whig Convention at Baltimore, to which he was a delegate, and writes approvingly and hopefully of the ticket, Clay and Frelinghuysen. "But one feeling, one spirit, and one hope animated and inspired every heart in the countless thousands. . . . Not much now said about Texas. The Treaty will get but few votes in the Senate." Then follows another joke of Cobb's. "You know that the hack-drivers profess to know every house in town. A day or two ago

Cobb walked up to one of them and asked if he could drive him to Mr. McFadden's. 'Yes, sir,' was the ready answer. Cobb hopped in, and off rolled the hack. After a while the driver asked, 'Where was it you wanted to go?' 'To Mr. McFadden's.' 'What street does he live on?' 'I don't know. You told me you could drive me there, and you must.' So he had a long drive, all over town, the driver inquiring everywhere for Mr. McFadden."

On the 7th of May Mr. Stephens spoke on the subject of the Tariff. "I had better attention," he writes, on the next day, "if possible, than I had when speaking on the district system. . . . The Treaty remains in the hands of the Committee on Foreign Relations."

The Tariff question being settled, parties prepare for a great struggle on the Texas question. Great confusion is expected in the approaching Democratic Convention, the South being irreconcilable to Van Buren, and the North to Benton.

"*May 27th.*—This day, eight years ago, I was in this city for the first time. What changes have taken place in the world without and the world within since that time! Who can tell what changes are in store for the next eight years to come? If the curtain could be raised, what disclosures, what griefs, what troubles and cares and deeds of death would be seen! What phantoms our hopes and ambitions would seem to be!"

*May 28th.*—Is scribbling whatever comes into his mind while waiting for the result of the ballotings at Baltimore. Among other things he alludes to something Linton has said of a friend of his being in love, and the effects of that passion upon him. "He that loves hard cares but little what he eats. His passion is his sustenance, as most passions are when they take possession of the soul. Osceola, when a prisoner from violated faith, pining and refusing nourishment, was asked why he did not take food, replied,—

"‘I feed on *hate*, nor think my diet spare!’

"I do not know but that he who feeds on hate has quite as nourishing a diet as he who feeds on love."

Most of the other letters written during this summer are from the various places in the State at which he has been addressing the people in the Presidential canvass. He threw his whole

energies into it, and worked as zealously for the election of Mr. Clay as any other man in the party. At the village of Forsyth, he again met his old opponent, Judge Colquitt, and (in the opinion of his friends at least) obtained even a more signal triumph over that gentleman than at his first encounter.

When Mr. Stephens went to Washington, in the winter, to attend Congress, Linton went to the Law School of the University of Virginia. The correspondence was now actively kept up. On December 5th he expresses a suspicion that arrangements will be made between Southern and Northern Democrats, by which the former will consent to the Tariff, and the latter will agree to let in Texas. "So the monster will be grinned at a little longer and endured, while we shall have a great addition to the area of freedom." He advises his brother to keep clear of politics for the present, and is more than half inclined to recommend that the abstention shall be perpetual.

*December 10th.*—"Mr. Adams's final triumph was to-day, when he presented his petitions for the abolition of slavery in the District of Columbia, and had them referred to the Committee on the District. You ought to have seen him on the announcement of the vote. He laughed outright; not loud, but with a full expression. By the by, Judge McLean tells a good anecdote of him. Some years ago, in some flirt, Rhett arose and moved that all the Southern members should leave the House, and started out himself. Mr. Adams stopped short in his speech, looked at Rhett across the room, as he was followed by some others, and said, with a peculiar expression, 'What, you won't play with us any longer, eh?'"

*December 20th.*—"Judge Story says that the Republican party to which he was attached in 1806 and 1809 is extinct now. To tell the truth, I had done him injustice; for I always thought he was a Federalist, but it is not so. He was opposed to Adams, was a Republican, was a Jeffersonian, and was appointed judge under Madison or Monroe. He used to be in Congress the only Republican from Massachusetts; and he further says that most of the old Federalists now are with the Democratic party,—that is, those of them who are alive. But he says that the Republican party is extinct; that he has ceased to be surprised at anything: laughs and talks as gayly as a boy. Says he is like the Irishman who went to see the fireworks, when, after some displays, a cask of powder exploded accidentally, and blew up everything. He found himself in a garden, and on coming to himself, said, 'What in the devil will you show next!'"

*December 22d.*—. . . "Judge Story says that he never told but one anecdote, and he used to tell that upon all occasions until Webster stole it

from him, and once had the impudence to tell it in his presence. After that he foreswore anecdotes. This, of course, was all *fudge*, for he is always telling anecdotes. . . . Ewing is a great hand at puns. For instance, this morning at the table, in speaking of the abilities of the lawyers and judges of England, . . . and among them Scarlett, Ewing remarked that he was certainly the deepest *red* man of any of them."

During this year, as has been seen, Mr. Stephens did not take any very prominent part in the business of Congress. He was studying men and measures, and getting himself ready for his future work. Almost every night he wrote to Linton, and sometimes twice a day. The letters treat of almost every conceivable subject, politics, the business of the House, the incidents of the day, the chat of society, the men he meets, books, morals, philosophy, and the weather. He never loses an opportunity to convey, in some guise or other, salutary counsel to his beloved brother; and the letters overflow with expressions of tenderest affection. Notwithstanding the frequent touches of humor, a tinge of melancholy pervades the whole correspondence; and the success he has thus far achieved neither gives a brighter coloring to life in his eyes nor exalts him in his own estimation. Notwithstanding the close intimacy of these letters, we find in them no half-congratulations, no pardonable taking of credit, no expression of hopes for the future. Life is passing; he is doing his duty in the short space that he thinks allotted to him, for the night is coming in which no man can work.

## CHAPTER XVIII.

Judge Story—Mr. Clay—A Great Crowd—Annexation of Texas—Speech on Brown's Resolutions—Oregon—Anecdote of General Clinch.

MR. STEPHENS begins the new year, 1845, with a letter of eight pages to his brother. Among other things, Linton has asked his opinion of the comparative abilities of Marshall and Story, and he pronounces in favor of the former, though admitting that he has read but little of the writings of the latter. He gives an anecdote of Marshall, which Story told as having occurred in a case involving the constitutionality of the United States Bank. "Chapman Johnson, who was arguing upon the side to which the Chief Justice's views were supposed to be adverse, after a three days' argument, wound up by saying that he had one last authority which he thought the court would admit to be conclusive. He then read from the reports of the debates in the Virginia Convention what Marshall himself had said upon the subject, when the adoption of the Constitution was discussed. At this, Story says, 'Marshall drew a long breath with a sort of sigh. After the court adjourned he rallied the Chief Justice on his uneasiness, and asked him why he sighed,' to which Marshall replied, 'Why, to tell you the truth, I was afraid I had said some foolish thing in the debate; but it was not half so bad as I expected.' Story indulges in a great many such anecdotes."

*January 19th.*—"Last night Mr. Clay made a show on the Colonization question, and such a show I never saw before. Men came from Baltimore, Philadelphia, and New York, to say nothing of Alexandria and this city. The House and galleries were jammed and crammed before five o'clock. When I came over at half-past six, I found I could not get in at the door below, much less get up the steps leading to the House. The people were wedged in as tight as they could be squeezed, from outside the door all the way up the steps, and the current could neither move up nor down. There were several thousands still outside. I availed myself

of my knowledge of the meanderings of an intricate, narrow passage under the rotunda, and round by the Supreme Court room, into the alley from the Clerk's room, into the House at the side-door by the House post-office; and through this Mr. Cobb and I, with Robinson, of Indiana, wound our way, finding it unobstructed until we got to the door, where the crowd was as tight as human bodies could be jammed; but we drove through the solid mass and got in, and passed on the space by the fire to the left of the Speaker's chair, where, by looking over the screen, we could see the chair. When we got to this place, what a sight was before our eyes! The great new chandelier, lighted up with gas, was brilliant and splendid indeed; and then, what a sea of heads and faces! Every nook and corner on the floor below, and the galleries above, the aisles, the area, the steps on the Speaker's rostrum, were running over. The crowd was pushed over the railing, and men were standing on the outside cornice all around; and they were even hanging on the old clock and the figure of Time. Such a sight you never saw. None in the hall could turn: women fainted and had to be carried out over the solid mass. At about seven Clay came, but could hardly be got in. The crowd, however, after a while was opened, while the dome resounded with uninterrupted hurrahs. . . . After a while order was restored. . . . Dayton, of New Jersey, offered a resolution and began speaking; but one fellow crying 'Clay! Clay!' the cry became general, and soon also became general with, 'Put him down!' 'Put him out!' 'Pitch him out of the window!' but Dayton held out and kept speaking until he was literally drowned with, 'Down! down!' 'Hush!' 'Clay! Clay!' etc., and then the old hero rose. Three more cheers for Henry Clay were suggested, three more! *three more!* THREE MORE! At length quiet reigned. Clay began speaking, and all were silent. Of his speech I say nothing. He was easy, fluent, bold, commanding; but, in my opinion, not eloquent. At about nine an adjournment was announced. . . . I understand that whole acres of people had to go away without getting in at all. Shepperd, of North Carolina, whom you know as being more Whiggish than Clayish, rather snappishly remarked, when we got to our quarters, that Clay could get more men to run after him to hear him speak, and fewer to vote for him, than any man in America."

The great question in Congress this session was that of the admission of Texas, for which several plans had been introduced into the House. Of course the subject of slavery entered prominently into the motives which influenced the judgment of members; and though the proposed measure was favored by the Democrats, there was a considerable number of that party at the North opposed to it, on account of the extension of slave-holding territory which would follow. On the 13th of January, Mr. Milton Brown, of Tennessee, introduced a series of joint

resolutions for the admission of Texas as a State, with a provision that, at some future time, not more than four new additional States should be formed out of the State of Texas, in such of which as should lie south of the "Missouri Compromise" line, slavery should be optional with the people; and in such as should be north of that line, slavery should be prohibited. This provision was strictly in conformity with the terms of the Compromise,—was indeed the very point agreed to,—yet the party opposed to slavery, in their usual style of keeping such pledges, violently opposed the resolutions.

In the preparation of these resolutions Mr. Brown had consulted with Mr. Stephens, and the resolutions embodied the joint views of both. To a number of schemes which were proposed Mr. Stephens objected, and his votes against them caused a belief that he was opposed to the admission, until Mr. Brown's resolutions came up for action, when he explained his views, in his speech of January 25th, which he delivered without preparation, and, as it were, unexpectedly. He began by explaining the objections he had to the treaty proposed by Mr. Ingersoll, chairman of the Committee on Foreign Affairs, which were that it made no definite settlement of the question of slavery in that State, and that it provided for the assumption by Congress of the debt of Texas. He considered it of vital importance that the question of slavery in Texas should be definitely and constitutionally settled, leaving no opportunities for future agitation, nor openings for dispute, which had been so perilous in the Missouri question. He then touched upon the language of the official correspondence, which placed the admission of Texas upon the ground of its being necessary to strengthen the institution of slavery in the States, as if it were the duty of the Federal Government to act and legislate to that end.

"My objection is, that the General Government has no power to legislate for any such purpose. If I understand the nature of this Government, and the ground always heretofore occupied by the South upon this subject, it is that slavery is peculiarly a domestic institution. It is a matter that concerns the States in which it exists, severally, separately, and exclusively; and with which this Government has no right to interfere or to legislate, further than to secure the enforcement of rights under existing guaranties of the Constitution, and to suppress insubordinations and insur-

rections if they arise. Beyond this there is no power in the General Government to act upon the subject, with a view either to *strengthen* or to *weaken* the institution. For, if the power to do one be conceded, how can that to do the other be denied? I do not profess to belong to that school of politicians who claim one construction of the Constitution one day, when it favors my interests, and oppose the same, or a similar one, the next day, when it happens to be against me. Truth is fixed, inflexible, immutable, and eternal; unbending to time, circumstances, and interests; and so should be the rules and principles by which the Constitution is construed and interpreted. And what has been the position of the South for years upon this subject? What has been the course of her members upon this floor in relation to the reception of abolition petitions? Has it not been that slavery is a question upon which Congress cannot act, except in the cases I have stated, where it is expressly provided by the Constitution; that Congress has no jurisdiction, if you please, over the subject, and that, therefore, it is improper and useless, if not unconstitutional, to receive petitions asking what Congress cannot constitutionally grant? This has been the ground assumed by the South, and upon which these petitions have been rejected for years by this House, until the rule was rescinded at the beginning of this session. And however much gentlemen from different parts of the Union have differed in opinion upon the extent of the abstract right of petition, and the propriety and expediency of receiving all kinds of petitions, whether for constitutional objects or not, yet I believe they have always been nearly all agreed in this, that Congress has no right or power to interfere with the institutions of the States. This, sir, is our safeguard, and in it is our only security; it is the outpost and bulwark of our defence. Yield this and you yield everything. Grant the power to act or move upon the subject, yield the jurisdiction, call upon Congress to legislate with the view presented in that correspondence, and instead of *strengthening* they might deem it proper to *weaken* those institutions; and where, then, is your remedy? I ask Southern gentlemen where, then, is their remedy? We were reminded the other day by a gentleman from South Carolina [Mr. Holmes] that we were in a minority on this floor. It is true we are in a minority; and is it wise in a minority to yield their strong position, their sure and safe fortress, to the majority, for them to seize and occupy to their destruction? No, sir; never. Upon this subject I tell gentlemen from the South, and the people of the South, to stand upon the Constitution as it is, and that construction which has been uniformly given to it upon this point, from the beginning of the Government. This is our shield, wrought in the furnace of the Revolution. It is broad, ample, firm, and strong; and we want no further protection or security than it provides."

The speaker then proceeds to notice the objections to the proposed admission. As to any difficulties that foreign powers



may make, he considers them as answered by the fact that Texas is now an independent sovereign power, and in consequence entitled to negotiate for herself without foreign interference. He then proceeds to answer the member from New York, who had said that the measure was "a fraud upon the Constitution."

"When I cast my eyes, Mr. Chairman, over the surface of the world, and survey the nations of the earth, and see that the people of the United States alone, of all the millions of the human family who live upon the habitable globe, are really free and fully enjoy the natural rights of man; that all other parts are dreary, wild, and waste; and that this is the only green spot, the only oasis in the universal desert, and then consider that all this difference is owing to our Constitution; that all our rights, privileges, and interests are secured by it, I am disposed to regard it with no trifling feelings of unconcern and indifference. It is, indeed, the richest inheritance ever bequeathed by patriot sires to ungrateful sons. I confess I view it with reverence; and, if idolatry could ever be excused, it seems to me it would be in allowing an American citizen a holy devotion to the Constitution of his country. Such are my feelings; and far be it from me to entertain sentiments in any way kindred to a disregard for its principles, much less in contempt for its almost sacred provisions."

He next comes to the specific objection that there was no power given to the United States, in their Federal capacity, to "acquire territory."

"Suppose I grant his position and his premises entirely, does his conclusion, in reference to the proposition I advocate, necessarily follow? Do the resolutions of the gentleman from Tennessee propose to *acquire territory*? We are often misled by the use of words. . . . We have had 'annexation' and 'reannexation,' and 'acquisition of territory,' until there is a confusion of ideas between the object desired and the manner of obtaining it. To *acquire* conveys the idea of property, possession, and the right of disposition. And to *acquire territory* conveys the idea of getting the rightful possession of vacant and unoccupied lands. If this be the sense in which the gentleman uses it, I ask, does the plan of the gentleman from Tennessee propose to do any such thing? It is true it proposes to enlarge and extend the limits and boundaries of our Republic. But how? By permitting another State to come into the Union with all her lands and her territory belonging to herself. The Government will *acquire* nothing thereby, except the advantages to be derived from the union. And if I understand the original substantial design of the Constitution, the main object of its creation, it was not to *acquire territory*, it is true, but to form a union of States, a species of confederacy; conferring

upon the joint government of the confederation, or union, the exercise of such sovereign powers as were necessary for all foreign national purposes, and retaining all others in the States, or the people of the States, respectively. This was the design, this was the object of the Constitution itself, which is but the enumeration of the terms upon which the people of the several States agreed to join in the union for the purposes therein specified; and in this way all the States came into it, Georgia among the rest, with her rich western domain extending to the Mississippi, out of which two States have since grown up, and have been likewise admitted. When the Government was first formed, North Carolina and Rhode Island refused to come in for some time. It was not until after it was organized and commenced operations, by eleven of the States, that these two consented to become members of the Union. Could the United States, those eleven which first started this General Government, be said to have acquired territory when North Carolina was admitted? or the twelve which composed the United States when Rhode Island came in? There was in each of those cases an addition of a State and enlargement of the confederated Republic, just as there will be if Texas be admitted, as proposed by the gentleman from Tennessee; but no acquisition of territory in the common acceptance of that term."

He then proceeds briefly to show that the United States *could* constitutionally acquire territory, though that was not the case at present, when the proposition was to admit a new State into the union of States. He then takes up the argument for the proposition.

"The authority on which I rely is no forced construction, but the plain, simple language of the Constitution, which declares that—

"New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of Congress."

"The terms here used are broad, unqualified, and unrestricted. 'New States may be admitted by Congress into this Union.' But it is said that it was only meant by these words to give the power to admit States formed out of the territory of the United States, and within their jurisdiction, and not to include a foreign State. To this I might reply that it is a *petitio principii*,—a begging of the question. Whether that was the meaning and intention is the main inquiry; and from the words used no such inference can be drawn. But the gentleman from New York says he believes that was the meaning and intention; and further, that he believes if any other opinion had been entertained the Constitution would never have been ratified. Well, sir, his belief is not argu-

ment. . . . We are taught that we should not only believe, but be able to give a 'reason for the faith that is in us.' And here again I listened for the reasons of the gentleman's faith, but heard nothing better than a repetition of his belief.

"Let us, then, examine the matter. If there is any difficulty, we must look to the words, the objects, and contemporaneous history. As to the words, they are quite unambiguous. The term State is a technical word, well understood at that time. It means a body politic,—a community clothed with all the powers and attributes of government. And any State, even one of those growing up in the bosom of our own territory, upon admission, may be considered to some extent foreign. For if it be a *State*, it must have a government separate from, and to some degree independent of, the Union. For if it be in the Union, then it could not be admitted; that cannot be admitted in which is already in. And if it is a State, and out of the Union, seeking admission, it must be considered *quoad hoc* to be foreign. Now, as to contemporaneous and subsequent history. What relation did North Carolina hold to the Union under the new organization of 1787? She refused to ratify the Constitution, and was most clearly out of it. The last article of the Constitution declared,—

"The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying."

"But more than nine ratified: eleven did; leaving North Carolina and Rhode Island out, as before stated. The Union was formed, and the Constitution established for those that had ratified, and the Government proceeded to organization. North Carolina was then certainly out of the Union. She had the right and power to remain out. If she had, would she not have been foreign to it? And, consequently, was she not foreign whenever the Government went into operation under the new Constitution without her ratification? The case of Vermont is more in point. She was a separate and independent community, with a government of her own. She was not even one of the original revolting thirteen colonies. She had never been united in the old Confederation, and did not recognize the jurisdiction of the United States."

[Here Mr. Collamer, of Vermont, objected that Vermont at that time did recognize the authority of the United States.]

MR. STEPHENS.—"Yes, sir; but not *over her*. She recognized the authority of the United States as we do that of France or England, or any other foreign power. She was a distinct, independent government within herself. She had her own constitution, her own legislature, her own executive, judiciary, and military establishment, and exercised all the faculties of a sovereign and independent State. She had her own post-office department and revenue laws and regulations of trade. The United States did not attempt to exercise any jurisdiction over her. The gentleman from Vermont says that New York claimed jurisdiction over her, and finally gave

her consent for the admission of Vermont as a State. This is true. But Vermont did not recognize the jurisdiction of New York; she bade defiance to it. And after years had rolled on in this situation, she treated with New York as one sovereign treats with another, and paid thirty thousand dollars to New York for a relinquishment of that jurisdiction which she would not allow to be exercised, and was then admitted into the Union as one of the States. These are the facts of that case."

The speaker, after refuting some other objections, proceeds to give the reasons that induce him to advocate the proposition. These are: the kindred and sympathy of the two peoples; the advantage of having all the cotton- and sugar-growing interests of the continent united and subject to the same laws; the importance of having no difficulties or inequalities in the commerce which found its outlet by the Mississippi; the desirableness of opening this vast and fertile territory to our accumulating or migrating population, which they might people and build up without forfeiting their American citizenship. He thus concludes:

"With this question is also to be decided another and a graver one; which is, whether the limits of the Republic are ever to be enlarged? This is an important step in settling the principle of our future extension. Nor do I concur with gentlemen who seem to apprehend so much danger from that quarter. We were the other day reminded by the gentleman from Vermont of the growth of the Roman Empire, which went on increasing and enlarging until it became unwieldy and fell of its own weight; and of the present extent of England, stretching to all sections of the world, governing one-sixth of the human family, and which is now hardly able to keep together its extensive parts. But there is a wide difference between these cases. Rome extended her dominions by conquests. She made the rude inhabitants of her provinces subjects and slaves. She compelled them to bear the yoke: *jugum subire* was the requisition of her chieftains. England extends her dominion and power upon a different principle. Hers is the principle of colonization. Her distant provinces and dependencies are subject to her laws, but are deprived of the rights of representation. But with us a new system has commenced, suited to and characteristic of the age. It is, if you please, the system of a Confederation of States, or a republic formed by the union of the people of separate independent States or communities, yielding so much of the national character or sovereign powers as are necessary for national and foreign purposes, and retaining all others for local and domestic objects to themselves separately and severally. And who shall undertake to say to what extent this system may not go? . . .

"We live, sir, not only in a new hemisphere, but, indeed, in a new *age*; and we have started a new system of government, as new and as different from those of the old world as the Baconian system of philosophy was novel and different from the Aristotelian, and destined, perhaps, to produce quite as great a revolution in the moral and political world as his did in the scientific. Ours is the true American system; and though it is still regarded by some as an experiment, yet, so far, it has succeeded beyond the expectations of many of its best friends. And who is prepared now to rise up and say, 'Thus far it shall go, and no farther'?

"But I am in favor of this measure for another reason. It is, as the honorable chairman of the Committee on Foreign Affairs said in his opening speech, in one sense and in one view, a sectional question,—a Southern question. It will not promote our pecuniary interests, but it will give us political weight and importance; and to this view I am not insensible. And though I have a patriotism that embraces, I trust, all parts of the Union, which causes me to rejoice to see all prosperous and happy; and though I believe I am free from the influence of unjust prejudices and jealousies toward any part or section, yet I must confess that my feelings of attachment are most ardent towards that with which all my interests and association are identified. And is it not natural and excusable that they should be? The South is my home—my fatherland. There sleep the ashes of my sires; there are my hopes and prospects; with her my fortunes are cast; her fate is my fate, and her destiny my destiny. Nor do I wish to 'hoax' gentlemen from other sections upon this point, as some have intimated. I am candid and frank in my acknowledgment. This acquisition will give additional power to the southwestern section in the national councils; and for this purpose I want it,—not that I am desirous to see an extension of the 'area of slavery,' as some gentlemen have said its effects would be. I am no defender of slavery in the abstract. Liberty always had charms for me, and I would rejoice to see all the sons of Adam's family, in every land and clime, in the enjoyment of those rights which are set forth in our Declaration of Independence as 'natural and inalienable,' if a stern necessity, bearing the marks and impress of the hand of the Creator himself, did not, in some cases, interpose and prevent. Such is the case with the States where slavery now exists. But I have no wish to see it extended to other countries; and if the annexation of Texas were for the sole purpose of extending slavery where it does not now and would not otherwise exist, I should oppose it. This is not its object, nor will it be its effect. Slavery already exists in Texas, and will continue to exist there. The same necessity that prevails in the Southern States prevails there, and will prevail wherever the Anglo-Saxon and African races are blended in the same proportions. It matters not, so far as this institution is concerned, in the abstract, whether Texas be in the Union or out of it. That, therefore, is not my object: but it is the political advantages it will secure, with the questions settled as proposed,—leaving no door open for

future agitation,—and thus preserving a proper balance between the different sections of the country. This is my object; and is it not proper and right?

“If we look around, we see the East, by her economy, her industry, and enterprise, by her commerce, navigation, and mechanic arts, growing opulent, strong, and powerful. The West, which a few years ago was nothing but an unbroken wilderness, embracing the broad and fertile valley of the Mississippi, where the voice of civilization was never heard, is now teeming with its millions of population. The tide of emigration, still rolling in that direction, has already reached the base of the Rocky Mountains, and will soon break over those lofty barriers, and be diffused in the extensive plains of Oregon. Already the West vies for the ascendancy on this floor, and why should not the South also be advancing? Are her limits never to be enlarged, and her influence and power never to be increased? Is she to be left behind in this race for distinction and aggrandizement, if you please? As one of her sons, I say, No. Let her, too, enter the glorious rivalry; not with feelings of strife, jealousy, or envy,—such sentiments are not characteristic of her people,—but with aspirations prompted by the spirit of a laudable emulation and an honorable ambition.”

The vote was taken on the resolutions the same day, and they were carried by a vote of 120 to 98, seven Southern Whigs, among whom was Mr. Stephens, uniting with the Northern Democrats. These seven were afterwards held up to odium by the Whig party throughout the country, and denounced with bitter malignity as traitors to the party. In the Senate, an alternative proposition was offered by Mr. Benton, subject to the President's approval. This was agreed to by the House, and finally the matter was placed in President Tyler's hands, who approved the House proposition on the 1st of March, and at once despatched a messenger with it to Texas, thus accomplishing a measure which added a new State, with two hundred and seven thousand five hundred and four square miles of territory to the Union, just at the close of his term of office.

Mr. Stephens's remarks in this speech, to the effect that he was “no defender of slavery in the abstract,” gave rise to some bitter denunciation throughout the South, and were interpreted by some to mean that he was opposed to the system of African slavery as it existed in the Southern States. But the context showed that he there as elsewhere held that where an inferior race like the African co-existed with the white race, the welfare

of both required that the inferior should be in subordination to the superior. He boldly and triumphantly defended his position in every subsequent campaign in his State, maintaining that this "peculiar institution," as it was termed at the South,—the right to the service of a certain class of persons,—was not slavery as defined in public law and the Justinian code, but only the legal subordination of an inferior to a superior race, with a view to the best interests of both.

Under date of January 30th we find a long letter, chiefly about Oregon, which he considers next in importance to the Texas question. He is, however, somewhat apprehensive of a war with Great Britain in this case, Oregon being at that time in the joint occupation of the two powers, under the provisions of the Treaty of Washington. He remarks, "The North, old Adams at their head, I think, will be among the foremost to bring about a collision with England. They now want war. That is the way, they think, to a dissolution of the Union."

*February 23d.*—He has been to a dinner-party where some good jokes were told; among others, one on General Clinch, of Georgia, who was present. "Some time ago, upon a call of the House, the general was not present at first, but came in (having been sent for) just as he heard his name called by the Clerk; and all vexed and mad, and puffing and blowing, answered to his name at the top of his voice, 'NO!' I said to him, 'General, say *Here*; it is a call of the House;' to which he replied, 'Oh, d—n it, I don't care. I'm against 'all they do, anyhow!'"

## CHAPTER XIX.

Domestic Arrangements—Trip to Florida—Home News and Surgical Practice—Deaths of Friends—A “Real Soaker”—Election of Governor Crawford.

SOON after reaching home, he writes Linton a long letter, giving an account of his return, and the welcome he met from all, down to his dog. A lover of dogs he has been all his life, and many a passage in his letters shows how strong a hold these humble but faithful creatures had upon his affections. The tone of the letter is very sad, and it concludes, “I must stop. I feel too melancholy to write more. I did not think such feelings would press upon me at my return. Those I used to look out for on my coming home are not here. They are dead and gone, and the thought almost overpowers me.”

The allusion here is not only to his brother, Aaron Grier, but to Mr. and Mrs. Bird, to whom he had been greatly attached, and who had died this winter. He had been living with them for several years. In March, the house and land being put up for sale, Mr. Stephens became the purchaser, and began housekeeping. In a letter soon after, he gives an account of his first experience in this line.

*March 17th.*—“Since I have been keeping Bachelor’s Hall, Bob\* (who has been running all about town during my absence in Washington) has been kept at home more than his wont. He is now the main man upon the place; attends to the horse and hogs, brings in breakfast, dinner, and supper, pours out the coffee, and waits upon the table. Old Mat cooks, and Bob and Pierce do the rest. Who carries the keys I don’t know. I have laid in a supply of sugar, coffee, tea, etc.; but where it is kept and who keeps it I don’t know. . . . Bob told me the other day he would have to buy some chickens somewhere before long. I told him to buy them; and we continue to have chicken every day, but I can’t tell where they

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\* His servant and factotum.



come from. To-day I missed Bob at dinner, and was told he had gone to mill. So I conclude that we are out of meal, or that Bob wanted to take an airing."

*March 20th.*—He has been on a visit with Cousin Sabrina Ray to the old homestead, and at the grave-yard gathered "a pale lily and a purple box-vine flower."

Linton had gone from the University of Virginia to Cambridge, to which point his brother addresses him a letter on April 20th, written at night.

"The night is lovely beyond description. The moon shines bright, the air just stirs enough to rustle slightly among the now full-grown leaves. The whippoorwill is heard at a distance, and ever and anon the mocking-bird sends forth his sweet notes upon the bosom of the breeze. To sit at my window and look out upon the sleeping earth is like listening to sweet music."

The letters in June are but few. In the earlier part of the month he took a trip to Florida with Mr. Toombs and others. On June 30th he writes from home, giving an account of Bob's marriage. Bob, it appears, had grown discontented with the charges of his laundress, so took a wife as a measure of economy, "to get his washing done for less than 'thrip a piece.' So he took his clothes over to Rhome's,\* and this was the marriage."

On July 22d the topic of interest is Pup, the dog, who has been seized with some strange affection. Next day another bulletin is issued:

"Poor Pup is much worse than he was yesterday. He cannot walk or crawl to-day. I think he has lock-jaw. He looks anxiously at all who go to see him, and wags his tail when called. I have had him put on the back piazza, where he can get water without trouble. I am very fearful that the poor fellow who met me so cordially on my return, when I was so filled with sadness, will himself be numbered with the dead before another similar opportunity occurs. I had become very much attached to the dog, for the reason, I suppose, that he was so much attached to me. When I went away he was always the first to meet me on my return, and was always so glad to see me. If he dies I shall miss him, and shall again feel the truth of the maxim that all things here below are vain and illusory."

On July 27th we have another report:

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\* Peter G. Rhome, a citizen of the town.

"Pup is a little better. I have been giving him shocks from the galvanic battery. He walked ten steps this morning. The shower-bath also I have tried upon him, and think that did him most good."

Under this treatment, we are happy to record, Pup entirely recovered, as we learn in a letter of eight pages, seven about the weather and one about Pup.

Early in August there is an accession to the little family, for he and John Bird have been living together, and now a young friend, Frank Bristow, has begun boarding with them. They have also taken into the house a negro boy, Pierce (mentioned above), of whom we shall hear more.

On August 24th we have a dolorous account of a disappointment of his. He was anxious to be alone, and six men called upon him and stayed to dinner.

"Would you know how I entertained them? I lay in the little shed-room most of the time, the company sitting on the back porch, and while they talked, I either snored or read Byron. . . . I do dislike to be bored by company when I wish to be alone; and if I ever was in that humor it was to-day. I longed to be alone, shut out entirely from the world. There comes over me sometimes a kind of depression, a sickening at the heart, and weariness of life. . . . Yet there is a pleasure in these indulgences. Indeed, what state of mind is without pleasure? Even rage, anger, envy, and hate are pleasant while they are felt. And as for sorrow and grief, Solomon says it is better to go to the house of mourning than to the house of mirth. Hence the pleasure of witnessing tragedies, which is so great that we will even pay to be made to weep. But enough of this. Since I commenced writing a little cloud has formed overhead and a little to the northeast."

And he branches off into mere meteorology. Indeed, he has had more excuse than usual for watching the weather. It has been a summer of terrible drought, and everything is suffering. The little cloud to the northeast has brought a slight shower, but what is wanted, he says, is "a real soaker." This phrase, he explains, is borrowed from an anecdote told by Foster of Madison. At some drouthy visitation the people had met at a country church to pray for rain. "Several of the brethren had held forth and prayed for 'gentle and refreshing showers,' when an old sinner who felt a great interest in the matter, got up and left the meeting-house, and cursing the whole concern for doing

no better, said he wouldn't give a d—n for any 'gentle and refreshing showers;' what he wanted was a *real soaker*."

On September 17th he adverts to the news he has just heard of the death of Judge Story, and sadly remembers the pleasant hours he has spent in his company.

"I do not know when the death of any person has affected me more than that of Judge Story. Last winter I spent my time at Washington more agreeably than I thought I ever could spend it at that place: and I attributed this almost entirely to the agreeable and companionable qualities of that singular and excellent man. I formed for him a strong attachment, and I promised myself many a hearty laugh with him next winter. Alas, that hope is blasted, and it does not now seem that I could visit the place of my last winter-quarters, where everything is so associated with him, without feelings of the deepest pain. I never saw a man of his age so full of life and humor; and judging from his appearance, one would have supposed that he would live many long years to come."

Five days later he again writes from a sorrowful heart. His old friend Mr. Bristow, clerk of the court, from whom in his earlier days he had received much kindness, has just died. The day before Mr. Stephens had paid him a last visit.

"I never saw," he writes, "a family more deeply distressed. The effect of their sorrow upon me was overwhelming. It brought to mind the scenes of other days, and the sorrows I have felt. As one and another of the children would come in and gaze upon their dying father, I could fully realize the intensity of the pang that caused such intensity of sorrow, for I too had felt the same. It seemed as fresh in memory as if it had been but yesterday, when I stood by the bedside of a dying father and anxiously watched his heaving breast. I felt his failing pulse. And when the last long breath was drawn with a piteous moan, it seemed as if I too must die. It seemed yet fresher than the incidents of yesterday when I saw my poor brother—But, oh, God!—I cannot write. The slightest thought connected with him brings right before me, as plainly and distinctly as in real life, all the scenes of that distressing night, and opens afresh all its bleeding wounds. Life seems to me to have in it but little good. It is made up of lying vanities, an empty and cheating train, and hopes which result in nothing but vexation, disappointment, and remorse. . . . But enough. It is nearly the time for the funeral service, and I must away to see the end of one who has done me many favors."

This year Crawford (Whig) was elected Governor over McAllister (Democrat), and in the Legislature the Whigs were in a small majority, so small that great caution was necessary in

availing themselves of it. The party also was not harmonious in the matter of the United States Senatorship; and Berrien received so small a vote in caucus that he resigned. Particulars are given in a letter of November 10th, in which the writer says that he has been two days in Milledgeville, but abstained from using any influence, and "left mainly to keep out of the excitement." In another letter he suggests that Linton join him in Washington in December, and that he then return home and begin business in Crawfordville. Sayre will go upon the bench, Toombs will go to Congress, Lumpkin is about to remove to Athens, and the prospect for a young lawyer on the circuit is good. A little bit of domestic news follows. He has settled with John L. Bird\* and bought the two servants he is now employing, Pierce and old Mat, the cook. For the latter he pays a rather high price, as she is very old,—a hundred dollars: but he does not object, because, as he says, John owes him money, and is Linton's cousin [not Alexander's], and he likes him. Old Mat turned out not a bad bargain after all.

On November 17th we hear that Judge Berrien, the late Senator,—readers will remember the Minority Report,—had been run by the Whigs to fill the vacancy occasioned by his own resignation, and triumphantly elected, getting the vote of every Whig present.

On the 25th he writes from Washington, D. C., where he has engaged rooms at his old boarding-house, Mrs. Carter's. He went to Judge Story's room, and indulges in mournful memories of its former occupant, whose cheerful nature and abundant

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\* This John L. Bird went to college with his cousin Linton. Mr. Stephens advancing the money for his education, and they graduated together. John then read law with Mr. Stephens, and took an office in Crawfordville, while Linton went to the University of Virginia and to Cambridge. On his return, in 1846, he and his cousin Bird had an office together until Linton married and removed to Sparta. John remained in Crawfordville as an inmate of Mr. Stephens's family. He rose to distinction in his profession, represented his senatorial district in the General Assembly, and was Senator elect when he died. He was a young man of brilliant talents and great promise, when prematurely cut off by consumption, in 1853. This sale of old Mat was in settlement of the balance due Mr. Stephens for money advanced for his education.

humor he had enjoyed so much a year before. "The last time I saw the old judge was in that room. It was on the morning I left for home last spring,—or rather the night before. I went to take my leave of him, conversed some time, and he laughed and joked all the while. He bade me a hearty and friendly farewell. Little did I then think that I should never see him again."

*December 6th.*—Linton expects to leave Cambridge for home in a day or two. So he gives him minute directions how to arrange matters, what to do with his trunk, and what precautions to take in travelling; for instance, on cars and steamboats to keep as far from the engine as possible. Linton will stop in Washington, so he furnishes special directions how to find Mrs. Carter's. He forgets that this loved brother of his is now a man. He has so long watched over him with a fatherly fondness, that he feels as if he were still a boy. And yet he might now, when Linton is prepared to take his place in the world of men, consider himself acquitted of his guardianship. He has given his brother the best education that could be had,—far better than he had himself enjoyed,—has watched over him and guided him with the wisdom of a man and the tenderness of a woman. If we have quoted, and shall still quote, liberally from these letters, it is because this relation between him and his brother was one of the leading traits of his life, occupied more of his thoughts than any other one subject, and unless it be comprehended in all its extent and depth, his character will not be rightly understood. The younger brother fully repaid the affection thus lavished upon him, and nothing loosened the bond between them until it was severed by death.

## CHAPTER XX.

Connexion with the Whigs—Opinion of President Polk—Dispute with Mexico—War breaks out—Correspondence—The Oregon Question—Opinion of Mr. Calhoun—State of Things in Congress—Speech on the Mexican War—Letter of Judge McLean—Misunderstanding with the Hon. Herschel V. Johnson—A Challenge sent and refused.

MR. STEPHENS'S political action at this time was so generally in accord with that of the Whigs, that he was universally looked to as one of the leaders of that party, though he did not consider himself as pledged to it any further than for the time that their measures and policy should have his approbation; nor did he consider himself in any way precluded from taking an independent course should his judgment so counsel. His action in the matter of the admission of Texas had at first excited general hostility to him in the Whig press of Georgia, with a disposition to denounce him as a traitor, and read him out of the party. In less than twelve months that press, as well as the entire party in the South, gave his course an explicit endorsement.

His strong antagonism to Mr. Polk's Administration brought him into still closer connexion with the Whigs. In the President himself, as a public officer, he had but little confidence. From the conduct of the latter towards Great Britain in the matter of the Oregon boundary, Mr. Stephens became convinced that he would not shrink even from involving the country in war on insufficient grounds for the purpose of strengthening his popularity and prolonging his hold of office. These views were, in his opinion, confirmed by the action of the Administration with reference to Mexico.

This latter country, offended at the proceedings of the United States in regard to Texas, whose independence she had never acknowledged, withdrew her resident minister, General Almonte, and diplomatic intercourse between the two countries ceased.

As soon as Texas had accepted the proposition sent out by President Tyler, Mr. Polk sent General Taylor with about five thousand United States troops to Corpus Christi, near the mouth of the Nueces River, the actual western boundary of Texas, by established authority, though the State claimed jurisdiction as far as the Rio Grande del Norte. On the 13th of January, 1846, the general was ordered to advance from Corpus Christi to the Rio Grande on the disputed territory, which he did, and erected a fort within cannon-shot of the Mexican city of Matamoros. This was regarded as an act of hostility by the Mexican commander, and the war was begun. Mr. Stephens's course in reference to this matter we shall presently show; but for the sake of keeping unbroken the chronological order, we now revert to the correspondence with Linton. The first letter that we have for this year bears date January 9th, and is addressed to him at Lagrange, where he has been on a visit to his brother John. After duly chronicling the weather, he shows a new taste for an old subject.

"Whenever I get time, I will give you a long letter upon the Ancients, as I have been closely engaged reading up on that subject lately. Rather, I should say, I have been for some time closely studying Ancient History, which I never did before. And though, as you know, I have always had a high opinion of the men of olden time, you may be surprised when I tell you that my late reading has greatly increased my admiration."

*January 9th.*—The writer is so full of his subject that, although he is not at leisure until eleven o'clock at night, and has already sent off two letters to Linton to-day, he takes his pen again and discourses through sixteen pages of long paper on the Ancients. These Ancients we find to be, not the Greeks or Romans, but the Chaldæans and the Egyptians, compared with whom the former may be called modern. He comments at length on the relics of their civilization, their temples, pyramids, tombs, etc., and thus concludes :

"You may depend upon it, any people who could do all these things: build monuments to survive the ravages of ages, firm almost as the everlasting mountains; who excavated for themselves a final resting-place in the solid rock, covered with paintings relating their history, which time

and the elements can never obliterate ; who had even the art of embalming their dead, and almost of arresting nature's first law of dissolution, giving to their mortal clay a kind of immortality,—have no equals on the earth at this time."

*January 11th.*—Still in his Egyptian researches, but purposes now, after renewed reference to the Ancients, to say something about the Moderns.

"I only inclose you two notes of invitation, that you may see how such things are done nowadays in this great city, and leave you to consider whether the builders of Thebes and Memphis, or the wise men of Babylon, with all their learning, ever arrived at such a state of improvement, refinement, and civilization as to do such small matters in such taste. . . . Toombs has the floor for to-morrow on the Oregon question. He will make his début in the House on that subject."

A splendid début this was, as will be seen hereafter.

*February 1st, Sunday.*—"I have just come from a long and lonely walk, thinking and musing over many scenes and events long passed and far off. These solitary walks I am of late much in the habit of indulging in. They afford me the solitude which is congenial to my spirits. The present has but little to engage my thoughts or attention, and

‘Oft up the stream of time I turn my soul  
To view the fairy haunts of long-lost hours,  
Blest with far greener shades, far fresher flowers.’"

He has been to church twice to-day. Much pleased with a sermon from Dr. S., and not at all with one from Dr. D., whom he thought neither orthodox nor eloquent. "His prayer was the coolest thing of the kind I ever heard. Some fellow said that he prayed as if in his address to the Deity he did not intend to compromise his self-respect."

*February 8th.*—He is unwell and keeping his bed, in consequence of a fall. The Oregon question is to come up the next day.

"I suppose the notice will pass, though the correspondence sent in yesterday between this Government and Great Britain may cause some to vote against the notice who were before inclined to vote for it. It seems from that correspondence that Mr. Polk does not intend to permit England to question our right to the whole country up to 54° 40'. In other words, that there is to be no compromise in the matter. This I look upon as a position involving the direct issue of war ; and if Congress shall back him



up in that particular, war is inevitable. I think that correspondence will do more to humble the pride of our country and tarnish our glory than anything that has occurred since the organization of the Government. For we shall never sustain it. England has rights in Oregon, and we shall have to admit them, and the position of our Chief Magistrate will have to be abandoned. This will lower us in the eyes of foreign nations. Such was never the case before."

In the latter part of February he left for home, where he remained until near the middle of April. On the 17th of that month we find him announcing his return to his old quarters in Washington.

*May 10th.*—"The news of a fight between some of our forces in the Southwest and the Mexicans reached us last night. It seems that we shall have a Mexican war yet. I suppose we shall have a message on the subject to-morrow. Mr. Polk has been very silent on the subject. I do not know myself by what authority General Taylor ever crossed the Nueces River. In the Resolution admitting Texas it was expressly provided that questions of boundary should be left for adjustment between this country and Mexico. The country between the Nueces and Rio Grande del Norte was disputed between Mexico and Texas. Texas never did extend her jurisdiction over it, and we should have let it remain unoccupied until the right to it was settled by negotiation."

*May 13th.*—"I send you the morning papers giving an account of yesterday's proceedings in the Senate,"—in reference to Mexican affairs. "Read Calhoun's remarks. I am beginning to think better of him; and perhaps my admiration increases from the fact that he acted in the Senate upon the question just as I did in the House,—that is, he refused to vote upon the question as it was presented; and in his speech also he said just what I should have said, in substance, if I could have had a chance. The consequences of the last two days' work here, I apprehend, will be far more important than the country is aware of. The dogs of war are now let loose, and I should not be surprised if a general war with England and France should ensue. The gates of Janus are open, and I fear they will be as the gates of hell. I hope for the best; but I must confess the signs of the times are ominous. The whole catalogue of evils is justly chargeable upon Mr. Polk. In reference to the situation of our army of occupation, I do not concur with the prevailing sentiment here. I do not think that Taylor will be defeated. In my opinion he will sustain his position; and if he meets the enemy in a general engagement, he will give them a thorough flogging. But that will not end the war. Mexico will be invaded."

This letter marks the beginning of his taking a just estimate of Mr. Calhoun. It will be soon seen how he had been misled

in his judgment of that great man. He afterwards came to estimate him as he deserved.

*May 29th.*—After writing at some length about law business, and inquiring about his garden and other domestic matters, he continues :

“I am getting tired of this place, and I am beginning to think that Congress is the last place that a man of honor and honorable ambition should aspire to. There is a recklessness of purpose here perfectly disgusting and almost alarming. What will become of our country and institutions I do not know. The signs of the times to me are ominous of evil. I have ceased to take much interest in what is done in the House. All is done by party will and for party effect.” He concludes to go with Toombs on a short visit to New York, “for a little airing and to get rid of a fit of the blues.”

*June 11th.*—“The Oregon question, I think, is about to be settled. It is said that Mr. Pakenham has sent in to Mr. Polk her Majesty’s ultimatum, which is a settlement of boundary on the basis of 49°, with the whole of Vancouver’s Island, to England; the free navigation of the Strait of San Juan de Fuca, and the free navigation of the Columbia for ten years. It is also said that Mr. Polk will not make a treaty upon these terms without first taking the advice of the Senate. That is prudent, if not wise. Pity that he was not always as cautious and conscientious. If he had been, we might not now be at war with Mexico.”

The advance of the United States troops, before referred to, upon the disputed territory between the Nueces and the Rio Grande del Norte, without, as Mr. Stephens believed, any sufficient reason to justify a movement which could not fail to involve the country in war, confirmed him in the view he had taken of the dispositions of the Administration; and on the 16th of June he gave utterance to his thoughts in his well-known speech on the Mexican War. In this speech he boldly affirmed that “the whole affair is properly chargeable to the imprudence, indiscretion, and mismanagement of our own Executive; that the war has been literally provoked when there was no necessity for it, and it could have been easily avoided without any detriment to our rights, interest, or honor as a nation. Indeed, sir, I may be permitted to say, that a strange infatuation seems to have governed this Administration ever since it came into power in reference to our foreign affairs: a

war with some country or other seems to have been its leading object."

He then proceeds to prove his propositions: 1. That the war was entirely due to the advance of the troops; the Mexicans, up to that time, having showed no hostile dispositions. 2. That nothing had occurred to render a movement of that kind—to which but one interpretation could be given—necessary; and that not being necessitated by circumstances, it was eminently unwise, unless, indeed, the sole object of the Administration was to provoke hostilities. These propositions established, he proceeds to inquire what was the object of the war, with what views it was to be prosecuted, and if it was a war for conquest.

"If so," he continues, "I protest against that part of it. I would shed no unnecessary blood, commit no unnecessary violence, allow no outrage upon the religion of Mexico, have no desecration of temples or 'revelling in the halls of the Montezumas,' but be ready to meet the first offers of peace. I regret that General Taylor did not have the authority to accept the proffered armistice when it was tendered. In a word, I am for a restoration of peace as soon—yes, at the earliest day it can be honorably effected. I am no enemy to the extension of our domain, or the enlargement of the boundaries of the Republic. Far from it. I trust the day is coming, and not far distant, when the whole continent will be ours; when our institutions shall be diffused and cherished, and republican government felt and enjoyed throughout the length and breadth of the land,—from the far south to the extreme north, and from ocean to ocean. That this is our ultimate destiny, if wise counsels prevail, I confidently believe. But it is not to be accomplished by the sword. Mr. Chairman, republics never spread by arms. We can only properly enlarge by voluntary accessions, and should only attempt to act upon our neighbors by setting them a good example. In this way only is the spirit of our institutions to be diffused as the leaven until 'the whole lump is leavened.' This has been the history of our silent but rapid progress, thus far. In this way Louisiana with its immense domain was acquired. In this way we got Oregon, connecting us with the Pacific. In this way Texas, up to the Rio Grande, might have been added; and in this way the Californias, and Mexico herself, in due time may be merged in one great republic. There is much said in this country of the party of progress. I profess to belong to that party, but am far from advocating that kind of progress which many of those who seem anxious to appropriate the term exclusively to themselves are using their utmost exertions to push forward. Theirs, in my opinion, is a downward progress. It is a progress of party, of excitement, of lust of power; a spirit of war, aggression, violence, and licentiousness. It is

a progress which, if indulged in, would soon sweep over all law, all order, and the Constitution itself. It is the progress of the French Revolution, when men's passions,

‘Like an ocean bursting from its bounds,  
Long beat in vain, went forth resistlessly,  
Bearing the stamp and designation *then*  
Of popular fury, anarchy.’

“It is the progress of that political and moral sirocco that passed over the republics of olden time, withering and blasting everything within its pernicious and destructive range. Where liberty once was enjoyed, where the arts and sciences were cultivated and literature flourished, philosophers taught and poets sang, and where the most majestic monuments of refinement, taste, and genius were erected,—‘towers, temples, palaces, and sepulchres,’ but where now

‘Ruin itself stands still for lack of work,  
And desolation keeps unbroken sabbath.’

Or, to come nearer home for an illustration, it is the progress of Mexico herself. Why is that heaven-favored country now so weak and impotent and faithless? Why so divided and distracted and torn to pieces in her internal policy? A few years ago she set out in the career of republicanism under auspices quite as favorable to success as this country. Her progress has been most rapid from a well-regulated good government, formed on our own model, to the most odious military despotism. We should do well to take a lesson from her history, and grow wise by the calamities of others, without paying ourselves the melancholy price of wisdom. They lacked that high order of moral and political integrity without which no republic can stand. And it is to progress in *these* essential attributes of national greatness I would look: the improvement of mind, ‘the increase and diffusion of knowledge among men,’ the erection of schools, colleges, and temples of learning; the progress of intellect over matter; the triumph of the mind over the animal propensities; the advancement of kind feeling and good will among the nations of the earth; the cultivation of virtue and the pursuits of industry; the bringing into subjection and subservience to the use of man of all the elements of nature around us; in a word, the progress of civilization and everything that elevates, ennobles, and dignifies man. This, Mr. Chairman, is not to be done by wars, whether foreign or domestic. Fields of blood and carnage may make men brave and heroic, but seldom tend to make nations either good, virtuous, or great.”

The brilliant exploits of the United States forces, and the signal triumph with which they were crowned at last, dazzled the people, as had been expected, and withdrew attention from

the real justice of the cause. The splendid gains of territory acquired by the cession of New Mexico and Upper California, under the treaty of Guadalupe Hidalgo, gave immense influence and popularity to Mr. Polk's Administration. Even before the victorious close this influence was strong, and this Congress had a clear Democratic majority of seventy members; while the Whigs, who had already lost ground during the Administration of Tyler, could not afford to risk their popularity further by showing opposition to a war which so liberally fed the public pride.

*June 21st.*—In this letter is a detailed account of a misunderstanding between Mr. Stephens and Mr. W. L. Yancey, growing out of remarks made by both in the discussion of the Mexican War, which nearly resulted in a duel. The affair, however, was amicably adjusted through the mediation of Mr. Toombs and Mr. Burt. He freely and naturally expresses his gratification at the impression his speech had made upon the House.

"But," he says, "my own opinion is that it is not half such a speech as my Texas speech. It was not a subject that admitted of so much mental power, if you will excuse the idea, and is not so finished a production. It is not, indeed, as printed, half such a speech as was delivered. I lost the fire when I came to write it out, and as for the reporter's notes, they were worth little to me, except the *order*. He had not preserved my language, nor the structure of sentences. I had not spoken to any one to report me, and just had the hasty sketch of Stansbury, who reports frequently from memory."

*July 20th.*—The speech on the Mexican War excited much apprehension and anxiety in the Whig party, who were afraid of the usual result of opposition to a successful war. In the letter of this date he says, "I am daily in receipt of letters from all parts of the country, and not a few from Georgia." He then incloses the following from Judge McLean :

"CINCINNATI, 15th July, 1846.

"MY DEAR SIR,—I thank you for your excellent speech on the Mexican War. You have exhibited in the clearest light the rights of the country and the duty of the Executive under the Texas Annexation Resolutions. The war is the war of the Administration for party purposes, and not for the honor or interests of the country. A very small sum in comparison with what we have already expended would have extended our boundary

to the Rio Grande peaceably and honorably. But, as you justly observe, the Administration seemed determined to have war either with England or Mexico, and I fear that the Administration is determined to go beyond the Rio Grande for a boundary. Will Congress encourage and sanction the spirit of conquest? You may be assured that the charm of this Administration is broken; and if I am not greatly mistaken, Mr. Polk will leave the White House with as little glory as his predecessor.

"Sincerely your friend,

"JOHN MCLEAN."

Congress adjourned early in August, and Mr. Stephens returned to Crawfordville. His reputation was much heightened by his action during the session. The bold position which, unadvised, and at first almost alone, he assumed upon the Mexican War made him the leader of the Opposition in the House; and his Resolutions, introduced in the following January, indicated the line of attack upon the Administration party, which finally led to its overthrow.

Early in December Mr. Stephens returned to Washington, and the correspondence was kept up as usual, but the letters chiefly refer to matters of business. In that of the 26th is a repetition of directions frequently given in previous letters: "Don't forget or fail to let the young men Bristow and Jones have the money; and if you cannot raise it elsewhere, I can send you some from here." These were two young men whose expenses he was paying at school and college; for he had already begun that practice of aiding in the education of worthy young men without means, in which he was, perhaps, unequalled in beneficence, if we consider his own limited means and the other claims upon him.

During this year, 1846, occurred the estrangement between Mr. Stephens and the Hon. Herschel V. Johnson, which was especially to be regretted on account of their long and intimate previous friendship. While at college they were warmly attached to each other, and remained so for many years. A coolness sprang up between them in 1844, in which year Mr. Johnson was an Elector for Mr. Polk; and he and Mr. Stephens met several times in public discussion, and in the heat of debate some acrimony arose. In 1846 several articles appeared in the *Federal Union*, in which Mr. Stephens's speech on the Mexican

War was severely criticised. Not knowing the author, Mr. Stephens applied to the publishers, and on learning that it was Mr. Johnson, demanded a retraction from that gentleman, and afterwards challenged him. Mr. Johnson refused to accept the challenge, and the affair went no further. But they ceased to speak to each other until the winter of 1855, at which time Mr. Johnson was Governor of the State, when an understanding and reconciliation was brought about by the mediation of common friends. Since that time they have lived upon terms of renewed friendship. In a letter written in 1869, Mr. Stephens speaks of Mr. Johnson as "one of our ablest and truest men."

## CHAPTER XXI.

Position of the Whigs—Resolutions on the Mexican War—Their Effect—  
Danger ahead—The Wilmot Proviso—The “Missouri Compromise”  
repudiated—Speech on the Mexican Appropriation Bill—A Queer Genius  
—Speech of Mr. Toombs—Election of a Speaker—Cure for Melancholy.

THIS period, as before shown, marks an epoch in the political life of Mr. Stephens. We have seen how, by reason of his agreement with them on many general principles and in opposition to the course of the Administration, Mr. Stephens had come to be identified in the minds of many with the Whig party. But he reserved his independence of thought and action, and the freedom of choosing his own course whenever that of the party should appear to him unjust or unwise.

The position of the Whigs at this time is well explained by a letter of Mr. Stephens written in 1869, from which we make an extract :

“The Mexican War was in full blast, and seemed as if it would carry everything before it. The Whigs, as a party, while opposed to the policy of the war, were afraid to do or say anything that would bring upon them what they thought to be the odium of an anti-war party. The fate of those who had opposed the war of 1812 stood as a ghost in their path. Now this was the state of things in 1847, when I introduced my Resolutions upon the subject of the war. I consulted with all the leading Whigs in the House, Northern and Southern, upon introducing them. Every one of them dissuaded me from it. But I resolved upon doing it anyhow. I knew I was right.”

These Resolutions were so adroitly yet so fairly drawn that it was embarrassing to attempt to dodge them. They ran as follows :

“*Whereas*, It is no less desirable that the interests and honor of our country should be cordially sustained and defended so long as the present war with Mexico continues to exist, than that the conflict should not be unnecessarily prolonged, but should be terminated as soon as an honorable



peace can be obtained; and whereas, it is believed that a diversity of opinion prevails to a considerable extent as to the ultimate aims and objects for which the war should be prosecuted, and it being proper that this matter should be settled by the clear expression of the legislative will solemnly proclaimed to the world:

*"Be it therefore Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the present war with Mexico 'is not waged with a view to conquest,' or the dismemberment of that republic by the acquisition of any portion of her territory.*

*"Be it further Resolved by the authority aforesaid, That it is the desire of the United States that hostilities should be terminated upon terms honorable to both parties; embracing a liberal settlement on our part of the questions growing out of the proper and rightful boundary of Texas, and a full recognition and proper provision on her part to be made for all the just claims of our citizens against that country; the whole to be adjusted by negotiation, to be instituted and effected according to the constitutional forms of each Government respectively."*

The Democrats were so taken by surprise that many of them voted to suspend the rules and refer the Resolutions to the Committee of the Whole. Mr. Stephens continues in the letter above referred to:

"After the Whigs saw the effect of the Resolutions on the Democratic side, several who had dodged the vote at first came up and recorded their names for it. So that the motion received every Whig vote in the House, and some Democratic. They saw that the Resolutions were stronger than their party. From this time out the Resolutions became the Whig platform on the war, North and South. Although several Democrats voted to suspend the rules, the motion was lost by a vote of 76 to 88. And thus Congress refused to say that the war was 'not waged with a view to conquest,' or the dismemberment of Mexico by the acquisition of any of her territory, or that it was 'the desire of the United States that hostilities should be terminated upon terms honorable to both parties.' This refusal to avow what were the objects of the war and to express the desire for an honorable peace, gave a blow to the Administration, from the effects of which it could never recover. Relying too far upon the majority and the continued successes of the army, Mr. Polk assumed an attitude which was defiant and almost menacing to the minority. Besides, the Whigs became more and more satisfied that the war was being conducted altogether for the acquisition of territory and the power which such acquisition would secure. Already had Commodore Stockton announced to the people of California, and General Kearny to those of New Mexico, that their States were territories of the United States; and as late as June of the preceding year Colonel J. B. Stevenson, of New York, had been authorized

to raise a regiment, with the understanding that at the end of the war they should remain 'in Oregon, or in any other territory in that region of the globe which may then be a part of the United States.' "

In this prospective extension of territory, Mr. Stephens saw not only gross injustice toward a weak State, but a source of serious danger to the country. Already the anti-slavery party were declaring that, compromises or no compromises, slavery should not be introduced into any newly-acquired territory. Already—on August 8th, 1846—on the President's asking an appropriation of three million dollars to enable him to negotiate a treaty with Mexico, based upon a cession of territory, Mr. Wilmot, of Pennsylvania, had introduced his notorious Proviso, excluding slavery from any such territory to be hereafter acquired, in direct and flagrant violation of the "Missouri Compromise"; and the Proviso passed the House and only failed in the Senate. Here was a plain indication how things would turn, and the way in which faith was to be kept. Again, in the following year, on the question of organizing a territorial government for Oregon, the Proviso was once more introduced, and its advocates openly repudiated any intention to be bound by the line of  $36^{\circ} 30'$ , thus opening again the whole agitating question which had been considered finally settled by those who vainly imagined that solemn pledges would be regarded when the party that gave them saw their interest in breaking them.

It was on the question of this Mexican Appropriation Bill that Mr. Stephens made his speech of February 12th, 1847, one of the most eloquent he ever delivered, fearless in its attacks upon the Administration and the dominant party, and as fearless in its warnings to the people of the country. In it he said :

"The country, which one year ago was quiet and prosperous, at peace with the world, and smiling under the profusion of heaven's bountiful munificence, by the sole and unauthorized act of the President, has been plunged into an unnecessary and expensive war, the end and fearful consequences of which no man can foresee. And to suppress inquiry and silence all opposition to conduct so monstrous, an Executive ukase has been sent forth, strongly intimating, if not clearly threatening, the charge of *treason* against all who may dare to call in question the wisdom or propriety of his measures. Not only was Congress, which possesses exclu-

sively the war-making power, never consulted upon the subject until after hostilities were commenced, but the right is even now denied that body to make any legislative expression of the national will as to the aims and objects for which the war should be prosecuted. The new and strange doctrine is now put forth that Congress has nothing to do with the conduct of war; that the President is entitled to its uncontrolled management; that we can do nothing but vote men and money, to whatever amount and extent his folly and caprice may dictate. Neighboring States may be subjugated, extensive territories annexed, provincial governments erected, the rights of conscience violated, and the oath of allegiance, at the point of the bayonet, may be administered to a mixed population, embracing all varieties of races, languages, and color, and the Representatives of the people are to say nothing against these extraordinary outrages against the first principles of their Government, or else render themselves obnoxious to the imputation of giving 'aid and comfort to the enemy.' This is nothing less than the assumption of the principle that patriotism consists in pliant subserviency to Executive will,—that the President is supreme, and 'the king can do no wrong.'

"Sir, this doctrine might suit the despotisms of Europe, where the subjects of a crown know no duty but to obey, and have no rights but to submit to royal dictation. But it is to be seen whether the free people of this country have so soon forgotten the principles of their ancestors as to be so easily awed by the arrogance of power. It is to be seen whether they have so far lost the spirit of their sires as tamely, quietly, and silently to permit themselves to be treated as the humble vassals of such a self-constituted lordling.

"Insolence, when indulged, not unfrequently overdoes itself by its own extravagance. Like Ambition, it often overleaps its aims. And my confidence in the character, integrity, and patriotism of the American people warrants me in venturing the assertion that this will be the fate of this most unscrupulous attempt to abridge the free exercise of those rights which are 'dear to freemen, and formidable to tyrants only.' For a very little further interference with the freedom of discussion Charles X., of France, lost his crown; and for a very little greater stretch of royal prerogative Charles I., of England, lost his head. By reflecting upon these examples of the past, our Executive, without entertaining any apprehension of experiencing a fate exactly similar to either, may yet learn some profitable lessons,—lessons that will teach him that there are some things more to be dreaded than the loss of a throne, or even the loss of a head,—among which may be named the anathema of a nation's curse, and the infamy that usually follows it.

"Moralists tell us that nations as well as individuals are sometimes punished for their follies and crimes. It may be that there is in store for us some terrible retribution for the fraud, deception, and gross iniquity practised upon the people of this country in the election of this man to

office. But if, in the inscrutable ways of Providence, he who has been thus fraudulently elevated to power should be the ill-fated instrument of our chastisement, the punishment may be just, but he will take no honor in its execution. If the result of his mischievous councils should, in any way, prove disastrous to our institutions,—the stability, harmony, and permanence of the Government,—which there is now abundant cause seriously to apprehend, he will certainly have no place in the grateful remembrance of mankind. Fame he will have; but it will be of the character of that which perpetuates the name of Erostratus. And the more deeply blackened than even his, as the stately structure of this temple of our liberties is grander and more majestic than the far-famed magnificence of the Ephesian dome.

“The crisis, sir, requires not only firmness of principle, but boldness of speech. As the immortal Tully said, in the days of Catiline, when Rome was threatened with the most imminent danger, the time has come when the opinions of men should not be uttered by their voices only, but *‘inscriptum sit in fronte uniuscujusque quid de Republica sentiat,’*—it should even be written on the forehead of each one what he thinks of the Republic. There should be no concealment. In what I have to say, therefore, I shall use that character of speech which I think befitting the time and occasion.

“The absorbing topic, both in this House and the country, is the war with Mexico. This is the subject which, above all others, demands our consideration. To this the bill upon your table relates. And upon it I propose to submit some views as briefly as possible. I do not, at this time, intend to discuss the causes of the war, or to recount the blunders and folly of the President, connected with its origin. This I have done upon a former occasion; and all the facts, I believe, are now well understood by the country. The President may repeat as often as he pleases that it was ‘unavoidably forced upon us.’ But such repetition can never change the fact. It is a war of his own making, and in violation of the Constitution of the country. And so history, I doubt not, will make up the record, if truth be fairly and faithfully registered in her chronicles.

“But, sir, the war exists, and however improperly, unwisely, or wickedly it was begun, it must be brought to a termination,—a speedy and successful termination. By the unskilfulness or faithlessness of our pilot, we have been run upon the breakers; and the only practical inquiry now is, how we can be extricated in the shortest time and with the greatest safety. This is the grave question which now engages public attention, and which, as patriots and statesmen, we ought to decide. And, in my opinion, this great question, relating as it does to the interest, the honor, and permanent welfare of the country, necessarily involves another of no small import and importance, and that is, for what objects should the war be waged? Before the ways and means can be devised for bringing it to an honorable conclusion, there must be some agreement as to the ultimate ends and purposes for which it should be prosecuted. This should be first settled.

No system should be adopted until there is a distinct understanding upon this great and essential point. All wars, to be just, must have some distinct and legitimate objects to be accomplished,—some rights to be defended and secured, or some wrong to be redressed. And one of the strangest and most singular circumstances attending this war is, that though it has lasted upwards of eight months, at a cost of many millions of dollars, and the sacrifice of many valuable lives, both in battle and by the diseases of the camp, no man can tell us for what object it is prosecuted. And it is to be doubted whether any man, save the President and his Cabinet, knows the real and secret designs that provoked its existence. Upon these points up to this time, as was remarked the other day by a distinguished Senator in the other end of the Capitol [Mr. Calhoun], we are left ‘only to inference.’ This, sir, is a strange spectacle, but it is nevertheless true. And I submit it to this House and this country whether it shall be permitted longer to exist. When this people are called on to spend their treasure and blood, should they not know the reason of the call, and the ends proposed to be attained?”

The orator then proceeds to show the futility of the alleged ground of the war: old aggressions of Mexicans upon American commerce, afterwards settled by treaty, and the failure of Mexico, through inability, to pay the instalments due the United States under the treaty of 1843. He then presses home the necessity of an explicit showing by Congress of a sufficient ground for hostilities; a clear declaration of the objects aimed at, and a disavowal of the intention of permanent conquests. The speech thus concludes:

“And besides the reasons already offered, which of themselves would ever control me, there are others of great importance, growing out of the nature of the union of these States, which should be gravely considered before bringing in this new element of strife. Who can sit here and listen to the debates daily upon this question and look unmoved upon the prospect before us? This Wilmot Proviso, and the resolutions from the Legislatures of the States of New York, and Pennsylvania, and Ohio, all of the same character and import, speak a language that cannot be mistaken,—a language of warning upon this subject, which the country, if wise, would do well to heed in time. They show a fixed determination on the part of the North, which is now in the majority in this House, and ever will be hereafter, that, if territory is acquired, the institutions of the South shall be forever excluded from its limits; this is to be the condition attached to the bill upon your table! What is to be the result of this matter? Will the South submit to this restriction? Will the North ultimately yield? Or shall these two great sections of the Union be arrayed against each other?

When the elements of discord are fully aroused, who shall direct the storm? Who does not know how this country was shaken to its very centre by the Missouri agitation? Should another such scene occur, who shall be mighty enough to prevent the most disastrous consequences? The master-spirit of that day is no longer in your councils. Shall another equally great and patriotic ever be found? Let not gentlemen quiet their apprehensions by staving off this question. It has to be met, and better now than at a future day. It had better be decided now, than after more blood and treasure have been spent in the pursuit of that which may ultimately be our ruin. Upon the subject of slavery, about which so much has been said in this debate, I shall say but little. I do not think it necessary to enter into a defence of the character of the people of my section of the Union against the arguments of those who have been pleased to denounce that institution as wicked and sinful. It is sufficient for me and for them that the morality of that institution stands upon a basis as firm as the Bible; and by that code of morals we are content to abide until a better be furnished. Until Christianity be overthrown, and some other system of ethics be substituted, the relation of master and slave can never be regarded as an offence against the Divine laws. The character of our people speaks for itself. And a more generous, more liberal, more charitable, more benevolent, more philanthropic, and a more magnanimous people, I venture to say, are not to be found in any part of this or any other country. As to their piety, it is true they have '*none to boast of.*' But they are free from that pharisaical sin of self-righteousness which is so often displayed elsewhere, of forever thanking the Lord that they are not as bad as other men are.

"As a political institution, I shall never argue the question of slavery here. I plead to the jurisdiction. The subject belongs exclusively to the States. There the Constitution wisely left it; and there Congress, if it acts wisely, will let it remain. Whether the South will submit to the threatened proscription, it is not my province to say. The language of defiance should always be the last alternative. But as I value this Union, and all the blessings which its security and permanency promise, not only to the present, but coming generations, I invoke gentlemen not to put this principle to the test. I have great confidence in the strength of the Union, so long as sectional feelings and prejudices are kept quiet and undisturbed,—so long as good neighborhood and harmony are preserved among the States. But I have no disposition to test its strength by running against that rock upon which Mr. Jefferson predicted we should be finally wrecked. And the signs of the times, unless I greatly mistake them, are not of a character to be unheeded. With virtue, intelligence, and patriotism on the part of the people, and integrity, prudence, wisdom, and a due regard to all the great interests of the country on the part of our rulers, a bright and a glorious destiny awaits us. But if bad counsels prevail,—if all the solemn admonitions of the present and the past are disregarded,—if the

policy of the Administration is to be carried out,—if Mexico, the ‘forbidden fruit,’ is to be seized at every hazard, I very much fear that those who control public affairs, in their eager pursuit after the unenviable distinction of despoiling a neighboring Republic, will have the still less enviable glory of looking back upon the shattered and broken fragments of their own Confederacy.”

Wise words of warning, but all unavailing to stay the tide which was now setting steadily and irresistibly in the direction which he foresaw, and toward the catastrophe which he predicted.

We now revert to the correspondence with Linton.

*January 1st, 1847.*—Yesterday I wrote you a valedictory for 1846, and to-day it seems right enough that I should present you a salutatory for 1847. For several years, I believe, the first time I have written the new date was in a letter to you. . . . Yesterday was chill, damp, foggy, and gloomy in the extreme: to-day it is clear, bright, and mild as a May day. But I have to be contented with a look from the window and the reflection of the sun which I cannot see. I am still confined to my room, though I believe I feel better than I have done for several days.”

*January 3d.*—This is Sunday, and the sounds of the various church-bells lead him to speak of the day of prayer, and of the effects of sincere devotion. He then branches off to tell of a curious personage from Georgia who has given him much trouble by seeking his help in his efforts to procure patents for what he calls a “bee-rack,” and some contrivance for sharpening gin-saws. Willing as Mr. Stephens always was to give his help to all who asked it, nothing could be effected in this case. The letter of the applicant is so absurd that he incloses it to Linton for his amusement. The main burden of this epistle is a complaint of the treatment the writer has received at the hands of Mr. Edmund Burke, Commissioner of Patents (whom he seems to confound with the eloquent accuser of Warren Hastings), mingled with denunciations of Mr. Polk’s Administration generally. At times his indignation lifts him into song, of which we subjoin a specimen:

“If a display of eloquence and base flattering is the channel through which Justice can flow,  
I cannot expect the Honorable Edmund Burke any of his favors on me to bestow.

May cursed be its influence, until all can be with the capacities of Demosthenes and Cicero born,  
And all the weak voices does, as it were, to Thunder turn !”

On January 4th, having despatched one letter, he must needs write a second to repair an omission. “I have been thinking to-day, as I often have before, of ‘Robin Short.’ What has become of the poor old horse? and why do you make no mention of him?”

*January 5th.*—After remarks upon some matters of law, this letter concludes :

“To give you political news would be impossible. I can only tell you what we do ; but to say anything about what is ahead, or what is coming, would be out of my power. The truth is, nobody here, I believe, knows. The whole Government, I think, is about to break down,—at least, the Administration. There is no concert in any party, and nobody knows what will pass the House. The Treasury is nearly empty, and soon will be quite so. The new Tariff is falling far short of the supposed or estimated receipts. Walker [R. J. Walker, Secretary of the Treasury] says he cannot borrow money unless a duty be laid on tea and coffee ; and the House say they will not tax the stomachs of their constituents in order to flog the backs of Mexicans. In the mean time quite a storm is brewing about the slavery question. The North is going to stick the Wilmot amendment to every appropriation, and then all the South will vote against any measure thus clogged. Finally, a tremendous struggle will take place ; and perhaps Polk in starting one war may find half a dozen on his hands. I tell you the prospect ahead is dark, cloudy, thick, and gloomy. I hope for the best, while I fear the worst.”

On January 13th, after long and minute directions about home-matters, and another inquiry after old Robin, he gives an account of a speech made by his colleague and friend, Mr. Toombs.

“It was decidedly one of the best speeches I ever heard Toombs make, and I have heard him make some fine displays. It was even superior to his Oregon speech. He had fully prepared himself, was calm and slow, much more systematic than usual, and in many points was truly eloquent. The House was full, and the galleries crowded, and all ears were open and all eyes upon him. He commanded their entire and close attention from the beginning to the end, and the effort has added full fifteen cubits to his stature as a statesman and a man of talents in the opinion of the House and the great men of the nation. I was better pleased with it



than with any speech I have heard this session. . . . He is destined to take a very high position here."

The last letter of this year, until the meeting of Congress in December took him back to Washington, complains of the boredom which he has to submit to. To this infliction he was always a martyr. His patience and his sympathy were always so extreme, that they almost robbed him of the power to refuse or to dismiss visitors who came to see him out of mere curiosity or idleness. In his later years he found these intrusions less annoying, though not less frequent. His house, his table, and his conversation were always free to whoever chose to visit him; for the pain he would have felt in refusing any would have been greater than the annoyance of receiving all.

So, when in Washington, much of his time was taken up in attending to various matters of business for his constituents, who never seemed to feel any hesitation in making demands upon his services. In the first letter after his return to that city, we find him recounting a variety of commissions he has been attending to at the *National Intelligencer* office, the Pension Office, the Land Bounty Office, and the Surgeon-General's Office, —a day's work which, he says, was more laborious than a week in the House. "I succeeded," he remarks, "in nothing I went for except at the *Intelligencer* office, where I had nothing to do but to pay some money for some one who has not paid me, and I doubt never will."

The first session of the new (Thirtieth) Congress began on December 6th, and the first important business that came up was the election of a Speaker.

"On this point," writes Mr. Stephens (in a letter of April, 1869), "Southern Whigs were as timid as fawns. They were afraid to take a New England man. In the Congress of 1845-47 we had but few Southern Whigs. In the new Congress, Thomas Butler King was the most prominent Southern Whig. He wished to have the Naval Committee; but he feared to take any prominent part in the election of Speaker, so did not reach Washington until after the election was over, thus dodging the question. I looked upon this election as of vast importance, and went on early, getting Toombs to go with me. We were on the ground when the new Southern delegations came in.

"Virginia had sent five new Whigs, never in Congress before, who

naturally looked to Georgia for a lead in deciding between the candidates presented by the North. Winthrop, of Massachusetts, and Vinton, of Ohio, were the contestants for the nomination. Vinton had nearly all the West, and several of the Middle States, and even some from New England. The nomination depended upon the course of the Southern Whigs. I took ground boldly for Winthrop. It is true that he was cold and unpopular in his bearing, and generally deemed aristocratic. But then he was a scholar and a gentleman. He had, moreover, given a toast in Boston, on the Fourth of July, 1845, which won for him my esteem and admiration. It was while great excitement still existed at the North about the admission of Texas, and was, in substance: 'The United States, our country: however bounded, to be cherished in all our hearts and defended with all our arms.' This exposed him to many attacks from opponents at home; and I thought the sentiment deserved a grateful remembrance. Hence my bold stand for him. Toombs went with me, as did every Southern Whig present, which secured his nomination. He was, of course, elected, for the Whigs had the House; but I never said one word to him, either before or after the nomination, as to the cause which led to it."

In the letter of December 14th, 1847, Mr. Stephens complains of a disappointment to which Mr. Winthrop, unintentionally, he supposes, had subjected him, in appointing him chairman of the Committee on Public Lands. "Inclosed with this I send you a list of the Committees which were reported yesterday. Concerning my own position I have naught to say." Yet he presently *does* say something concerning it.

"I should rather have been on the *tail* end of the Committee on Foreign Affairs, or Territories, than where I am. I now despair of ever being seated on a committee or being in a position according to my liking. I never was, in the Legislature, and never have been, here. And if I was not well assured that Winthrop *thought* he was doing a great deal for me, or putting me just where I would be best pleased, I should never meet the Committee at all. But this shows how defective men often are in their judgments upon the feelings, views, and tastes of others. He thought because I made a speech upon the Public Lands last year, that my inclinations ran that way. At least this is what I am led to believe from what I have heard others say. How the fact is I do not know; nor have I intimated to any one here feelings of dissatisfaction or disappointment. . . . I have not determined whether I shall serve on the Committee or not. I am half inclined not to serve; and yet it might be considered evidence of a bad spirit to refuse."

Why he wished a position on the Committee on Territories can be easily understood by recurring to the political history of

this time. We have noted on an earlier page the attitude of the Restrictionists in regard to the organization of a Territorial government in Oregon, who refused to be bound by the line of  $36^{\circ} 30'$ , previously agreed to, and the bill passed the House with the Wilmot Proviso incorporated in it. In the Senate, Mr. Calhoun introduced a series of resolutions, setting forth the views of the Strict Constructionists in regard to the status of the Territories, and the rights of their citizens; but these were not brought to a vote, and the bill failed to pass the Senate, so remained as a battle-ground of parties for the next Congress.

In regard to this matter he writes in a letter of April 18th, 1869:

"I did think from my position on the war, from my Resolutions on it, which brought the party into power, that my proper place in committee was the chairmanship of the Committee on Foreign Affairs. But I did not say a word to any one on the subject, though when placed by Mr. Winthrop on the Committee on Public Lands, I felt deeply mortified and chagrined."

For December 18th we find a long letter of twelve pages, giving an account of his being cured of melancholy by reading Burton's *Anatomy* of that affection. The day is damp and chilly, and after premising that such weather is apt to bring on low spirits, he specifies his own case, and relates how Burton has cured him. Then surmising that Linton may possibly be similarly affected, he advises him to try Burton; and not satisfied with giving the prescription, forwards a handsome dose in the shape of a liberal extract. He looks upon a course of treatment by Burton as "homœopathic practice," though the remedy has not been taken, in his case, in homœopathic doses. "But the analogy between Burton and modern homœopathists holds in this, that he and they cure by seeming to feed the disease. He, for instance, furnishes the widest field for this ill-starred passion to rove in, ministers to its tastes, and even calls in the imagination to create new objects for its indulgence, until satisfied and sated, the soul, like the prodigal son, at last comes to itself, wakes up from its dream, and laughs at its own folly." Then follows the extract, giving a list of real and imaginary

evils provocative of melancholy. He continues, "And now (the real *Ego* is again speaking), if you can get through that paragraph without laughing, you are more of a [*illegible*] than I am."

*December 22d.*—Linton having expressed concern about his brother's treatment in the matter of the Committees, he reverts to the subject.

"I think injustice has been done me; but, by a law of my nature, I think it will be of advantage to me. I am very much like some chronometers, I need a weight or something *bearing down* upon me, to keep me in motion. I have felt it all my life. Without it, I am disposed to be inert and idle; but the greater the weight, the greater the reaction. I therefore report the real state of my feelings to be gratification."

*December 25th.*—A long letter on Christmas, in a vein befitting the season. He has congratulations for all who greet its return, except old maids and old bachelors, who, he thinks, but poorly enjoy its blessed influences.

"It is true," he continues, "we have no great display here: no guns, no crackers, no great exhibition of spirits of any kind,—though our landlady sent round some *nogg* a while ago,—no music, no plays, no visiting, and not even sunshine, for it has been snowing the livelong day, and we are all housed. But nevertheless it is Christmas,—that same good old day which awakens in me many reminiscences much more pleasant than even the Fourth of July. For this is the anniversary of my own individual days of liberty."

On the 29th a long quotation from Burton leads him into a dissertation on poverty. After reciting its evils, he says:

"Yet mankind is not so bad after all as we sometimes are disposed to conclude. It is only the lowly inclined, the mean in spirit, the bad by nature, who suffer themselves to be the tools and hacks of the rich. Wealth is good in its proper place, when possessed by those of the right spirit. But it is by no means essential for the truly noble to enter successfully all the honorable contests with which life abounds.

*December 31st.*—"The business of another day is well-nigh closed, and with it the business of another year. The hour of midnight is near at hand, and all without is as still and quiet as if no great event were expected. The footman is no longer in the streets, the busy hackman and his weary team are alike enjoying nature's sweet repose. No sound of music, dance, or song is heard. In the mansions of the rich, as well as in the hovels of the poor, the inmates are asleep, while I am keeping the

vigils of the night, and watching with anxious care the last glimmerings of the year as they fitfully flicker in the socket of time. A few moments more, and it will be gone forever. To me it has been, in many particulars, a good friend; and I feel it a sort of duty to sit by it in its last moments. . . . I believe that I have never passed the same period of time in my life with as few incidents to affect me in body or mind. It is therefore with reluctance I witness the separation."

Throughout this whole correspondence there are continual references to home matters, inquiries about humble neighbors, the servants, individually, and even the domestic animals, name by name, which for brevity's sake we omit. This affectionate interest in all who had even the slightest claim upon his regard is highly characteristic of the man.

## CHAPTER XXII.

Presidential Nominations—Opinion of Mr. Calhoun—Mr. Clay—Anecdotes—A Conversation and a Prophecy—Death of Mr. Adams—Nomination of General Taylor—The “Allison” Letters—Slavery in the Territories—The Clayton Compromise—Speech of August 7th—Returns to Georgia—Difficulty with Judge Cone—Mr. Stephens’s Life attempted—Public Indignation.

THE most important political events of the new year (1848) were the nominations for the Presidency. The Whigs still looked upon Mr. Clay as their great leader, and his reception in Washington, in January, was most enthusiastic. But the mass of the party had begun to share the opinion of the more far-sighted among them, that Mr. Clay, notwithstanding his talents, distinguished public services, and great popularity, was not an available candidate. There was an impression that he was “unlucky”; and besides, the recent war had given the public a sort of military fever, of which it was thought a stroke of policy to take advantage by running a military candidate identified with the late victories. Mr. Stephens, as early as 1846, had advised the nomination by the Whigs of Georgia of General Zachary Taylor, which had accordingly been done in their State Convention of that year. His opinions, as the canvass for the nomination progressed, will be seen in the subsequent correspondence.

On January 10th he gives another intimation of his growing admiration for Mr. Calhoun, whose character and talents he had always respected, but whose statesmanship he had heretofore looked at too much from a Whig point of view to do justice to.

“I send you the *Intelligencer* with Mr. Calhoun’s speech. Read it. It is a great one. But for the few concluding paragraphs it would be, in my opinion, one of the greatest yet made on this Mexican war. . . . Mr. Clay has just reached the city: a great crowd greeted him at the dépôt and made the welkin ring with their shouts.”

The next day he writes :

"The only news is that Mr. Clay has produced a great impression here. I have not seen him yet, but am told by those who have that he looks remarkably well ; better than he did ten years ago. I expect he will give the Whigs some trouble. This is my opinion *entre nous*. I think he will be flattered into the belief that he can be elected ; and I assure you that from what I have seen since I have been here, I consider the effort to elect him would be useless. The opinion is too general that he cannot be successful : there is no confidence in his *luck*. He is certainly a most remarkable man. He has more of the warmest and most devoted friends than any other human being, and more of the most sleepless and bitter enemies. By the by, I must tell you what I have heard from divers sources, that on his first interview, when he got to his quarters yesterday with his friends, among others, Botts, of Virginia, upon being asked by Botts what course the Whigs should take in relation to the Mexican war, he said, 'Pass the Resolutions of Stephens of Georgia.' This I considered complimentary. . . . We have a great many politicians in this country, but few statesmen. No more to-night. Houston, of Alabama, is haranguing the House about something of no importance in relation to the employment of a clerk. Pollock, of Pennsylvania, is replying ; and so we spend our time from day to day."

He mentions several speeches that have been made in the House, among the rest, one by Cary, of Maine.

"He caused a great deal of merriment at his own expense ; but the honorable member did not care for ridicule. He persisted and finished his speech. Many a man would have been overwhelmed with mortification, but Cary triumphed, for he put down all laughter, and almost made the laughers feel mean. I could but exclaim, like Judge Story, Well, now, he was a good fellow !"

Again, referring to a conversation with Mr. Clay :

"There was one expression of his countenance which I shall never forget. The conversation was going on about the conquest of Mexico. I put the hypothetical case of Scott's refusing obedience to the late orders of Polk suspending him from command, and said, 'Suppose Scott should resign his commission as our commanding general, declare himself Emperor of Mexico, and appeal to the soldiery to sustain him,' and indulged in some other pleasantry of that kind, when Toombs put in, 'That, Mr. Clay, would be only anticipating our destiny about forty years.' He had before been talking of a letter from General Worth, in which he advocates the conquest and subjugation of the whole country, stating that this ultimately will be the result, and that by doing so now we should be but anticipating by about forty years,—at least this was the construction put

upon Worth's letter in the conversation. Clay had been silent during this jocular talk, but when Toombs asked him the question, he looked calm, held his hands folded across his breast, cast his eyes upward as if in the deepest and sincerest emotion, and said, '*I fear so!*' The expression I shall never forget."

The letter thus concludes:

"One word more, which I do not wish you to repeat from me, and that is, that I am now well satisfied that Mr. Clay will not allow his name to be used in the National Convention. General Taylor will be nominated, unless I am greatly mistaken."

At that time Mr. Clay expressed confidentially to his friends his determination not to allow the use of his name in the Convention, as we learn from a letter of Mr. Stephens of later date.

On February 21st he alludes to an event which produced a great impression at the time.

"The House has just adjourned in great confusion. Mr. Adams has had an attack of apoplexy in his chair. He is now in the Speaker's room. It is said that he cannot survive long. . . . The Senate is in secret session on the project for a treaty with Mexico. It is said that Twist has unofficially made a treaty for New Mexico and California, and we are to pay fifteen million dollars, and keep twelve thousand troops for eighteen months to defend the court that made it. So much for rumor. I don't know whether Polk advises it or not."

*February 22d.*—"The House has just met, and immediately adjourned. Mr. Adams is still in the Speaker's room, and is said to be sinking fast. It is thought that he will not last longer than a few hours. I send you to-day the *Intelligencer*, giving an account of his attack yesterday. The words he uttered after reviving a little were very expressive: 'This is the end of earth!' as some say; or as Mr. Abbott, who heard him, told me, 'This is all of earth! I am composed.' He was asked if he wished anything, and answered 'My wife.' He was insensible, however, when she reached him. He looked uncommonly well yesterday morning, and walked from his home to the House."

Early in March of this year Mr. Stephens removed his quarters to a building known as the Rush House, which had been rented by Mr. Toombs. The "mess" consisted of Mr. and Mrs. Toombs, their two daughters, Mr. and Mrs. Crittenden, and Mr. Stephens,—a very pleasant and congenial society.

Soon after his removal, he gives his brother his intentions and views in regard to the approaching Presidential election.



"I am for Taylor out and out, because I think he can be elected, and I do not think Mr. Clay can be. From all I can learn he would not get as many States at the next election as he did at the last; and the great issues now before the country are of too great importance to hazard them by running him again. . . . The truth is, Mr. Clay some time ago did come to a determination to withdraw, and declared to several of his confidential friends that he would decline in a public way when he got home; and under that impression the Whigs of Kentucky forbore to nominate Taylor, which they would have done but for that assurance. But he has since changed his mind, and now intends to get the nomination if he can. Taylor will be the strongest man in the Convention. I have the count. It is true, I cannot count a majority of the whole Convention for him, but he is decidedly stronger than Clay, McLean, and Scott, who will all have friends in the Convention. When I wrote you some time ago that Mr. Clay would be out of the way, I *relied* on his *assurance* to that effect; and I never became satisfied that he would disregard that assurance until *last Saturday*. Now I am for Taylor *anyhow*. Mr. Clay has been deceived by insincere men at the North, who only want to kill off Taylor with him."

There are no more of these letters for the rest of this spring and the following summer, as Linton came on to Washington at the end of March and spent several months with his brother. They travelled in the North, and visited their uncle, James Stephens (then quite feeble from the infirmities of age), in Pennsylvania. They never saw him again. They also attended the Whig Convention at Philadelphia; but we have no detailed account of these movements. Mr. Stephens was not a delegate to the Philadelphia Convention, but he materially aided in the nomination of General Taylor and in his election. In fact, the policy by which this election was secured, and the Whigs again came into power, was to a very considerable extent shaped by him. Those who remember well the campaign of this year will not have forgotten the two "Allison" letters, especially the second, which became so celebrated in the canvass. The history of these letters is as follows:

Mr. Stephens was extremely urgent that General Taylor should, as early as possible, publicly announce his position in regard to the great questions of the day, and that this position should be the right one. At his instance a letter was drawn up at the Rush House, written, indeed, by Mr. Crittenden, but the main ideas suggested by Messrs. Stephens and Toombs, and

framed entirely in accordance with their views. Knowing the importance of prompt action, Mr. Stephens urged that it should be carried at once by Major Bliss, of the general's staff, to General Taylor at Baton Rouge. This advice was followed, and Bliss started the next morning. The letter purported to be addressed to the public; but on the arrival of Bliss it was found that General Taylor had already written a letter to Captain Allison, explaining his position, which had been published. So the letter prepared at the Rush House was also addressed to Allison, and so framed as to give it the character of a supplement or postscript prepared after more mature reflection. This letter was the Whig platform. It was a master-piece of its kind; and in addition to the greater personal popularity of Taylor over his rival, gave the Whigs a decided advantage when the letters of the candidates were compared.

The Slavery question had now come to be a subject of permanent agitation in Congress, and it was plain that no definite settlement was to be arrived at, from the fact—shown in the case of the Missouri Compromise—that the agitators and their upholders did not intend to be bound by any agreement, however favorable, nor any compact, however solemn. The question this year came up in the guise of legislation for the Territories of New Mexico and California, obtained from Mexico by the Treaty of Guadalupe Hidalgo, in which the South considered herself entitled to a share, as having equally contributed to their acquisition, both in furnishing soldiers for the fighting and treasure for the purchase, while the North was bent on excluding her from such participation. Mr. Douglas appealed to the Senate to maintain the Missouri Compromise line, as an equitable basis of division of the public domain, but this was rejected in both Houses. A bill was offered called the "Clayton Compromise," which wore an aspect of fairness and reasonableness, and yet the acceptance of which would have been a relinquishment by the South of all her rights. The main features of this bill were covered by the following words:

*"And be it further enacted, That the legislative power of said Territory shall, until Congress shall otherwise provide, be vested in the Governor, Secretary, and Judges of the Supreme Court, who, or a majority of them,*

shall have power to pass any law for the administration of justice in said Territory, which shall not be repugnant to this act, or inconsistent with the laws and Constitution of the United States. But no law shall be passed interfering with the primary disposal of the soil, respecting an establishment of religion, or respecting the prohibition or establishment of African slavery; and no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws shall be submitted to the Congress of the United States, and if disapproved, shall be null and void."

In another section, wherein provision had been made for the organization of Territorial courts, occurs the following clause:

"Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said Supreme Court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeals shall be allowed to the Supreme Court of the United States from the decision of the Supreme Court created by this act, or any judges thereof, or of the district courts created by this act, or of any judges thereof, upon any writ of *habeas corpus* involving the question of personal freedom," etc.

This bill Mr. Stephens strongly opposed, and gave his reasons for opposing it in his speech of August 7th. In this speech he shows: 1. That according to the law and usage of civilized nations, all laws in force in a conquered country at the time of its conquest, unless they be contrary to the terms of the treaty of peace, or to the fundamental policy and organic law of the conquering power, remain in full force until altered by the conqueror. 2. That Mexico, as far back as 1829, had abolished slavery throughout the whole Republic, and confirmed the act by subsequent legislation. 3. That the Constitution of the United States, while it recognized slavery in those States in which it already existed, did not recognize it in those States which had abolished it; and consequently there was nothing in its abolition or non-existence in Mexico contrary to the Constitution of the United States, and therefore *ipso facto* annulled by the conquest in these Territories. 4. That by the bill the Territorial govern-

ments were forbidden to legislate in any way on the subject of African slavery, and it was provided that any questions on that matter which might arise should be referred to the Supreme Court of the United States. 5. That the Supreme Court, under the circumstances, could not decide that slavery was lawful in these Territories unless it were formally established there by legal authority. 6. That, therefore, a bill which placed it at the option of Congress to determine whether a Southerner should or should not be allowed to immigrate into the newly-acquired Territories with his negroes was neither more nor less than a plain invasion of the rights of the South.

After proving these points, he continues thus :

"Then, sir, what are we of the South to gain by this Compromise? Nothing but what we would have, even with the Wilmot Proviso,—the poor privilege of carrying our slaves into a country where the first thing to be encountered is the certain prospect of an expensive lawsuit which may cost more than any slave is worth; and, in my opinion, with the absolute certainty of ultimate defeat in the end, and with no law in the mean time to protect our rights and property in any way whatever! This, sir, is the substance of the Compromise, even in the most favorable view in which it can be presented. And this is the *security* for the South which I had the *temerity to reject*! Would that the people of that section may ever have men upon this floor of such temerity! I did reject it, and I shall continue to reject all such favors. If I can get no better compromise, I shall certainly never take any at all. As long as I have a seat here, I shall maintain the just and equal rights of my section upon this as well as upon all other questions. I ask nothing more, and I shall take nothing less. All I demand is common right and common justice; these I will have in clear and express terms, or I will have nothing. I speak to the North, irrespective of parties. I recognize no party association in affiliation upon this subject. If the two parties at the North combine and make a sectional issue, and by their numerical strength vote down the South, and deny us those equal rights to which I think we are in justice entitled, it will be for the people of the South then to adopt such a course as they may deem proper. I do not stand here to make any threats in their name, nor have I authority to commit even my own constituents to any course of policy. They must do that for themselves. My commission here extends only to the maintenance of their rights upon all questions and measures that may come before me in this House. And this I shall do at all hazards."

After stating the two possible plans of compromise, one by

dividing the territory by well-defined lines, and the other by rejecting the territory altogether, he concludes :

"The late treaty is not the supreme law of the land yet, and will not be till the laws necessary to give it effect are passed. Mr. Polk has not yet asked us to appropriate the money, and when he does, it will be our constitutional right and duty to deliberate on the expediency of making the appropriation. And I now state that, if I am here when that appropriation is made, I shall exercise this constitutional right, and I shall never vote one dollar from the common treasure of this Union to pay for these Territories, if the institutions of my section are to be wholly excluded from them. Nor will I vote one dollar to carry this treaty into effect until I have this matter settled, and what I consider the great rights of the South secured. And I believe this is the great lever of the South upon this question. Let the bill organizing Territorial governments be linked with the appropriation of the money, and let the South present an unbroken front against paying a dollar, if their institutions are to be excluded, and I shall have some hopes yet of obtaining justice.

"Now, sir, you know something of the only plans upon which I intend to compromise this business. But, as I said before, if in all this I should be defeated,—if the South will not stand with me upon this point,—if the combined vote of the North carry the Wilmot Proviso,—then, sir, it will be for the *people* of the South to take their own course, such as they may deem their interest and honor demand. It is not for me to indicate that course. But one thing I will say, that I shall be with them in whatever course they may take. Their interests are my interests; their fortunes are my fortunes; their hopes are my hopes; and whatever destiny awaits them awaits me also.

"As I have but a few moments left, I will recapitulate my positions, that no man may mistake or misunderstand them.

"The first is, that, by the bill, the whole subject of slavery in California and New Mexico, without any legislation on the part of Congress or the Territorial governments, one way or the other, is referred to the Judiciary to determine, whether it can legally exist there or not.

"2d. That the Constitution of the United States fully recognizes, and amply protects, the institution of slavery where it exists by the laws of the State or place; but it does not establish it anywhere, where by the laws of the place it is prohibited.

"3d. That California and New Mexico, being Territories acquired by conquest, all the laws which were in force there at the time of the conquest not inconsistent with the Constitution of the United States, or the stipulation of the treaty of peace, or which were purely of a political character, are, according to well-settled principles, and the adjudications of our own courts, still in force.

"4th. That as slavery did not exist there at the time of the conquest,

but had been prohibited by express law, the Supreme Court of the United States, to whom the matter was to be referred in the last resort, could not be expected, from the principles of numerous decisions already made, to decide otherwise than that slavery cannot be protected there until the existing law abolishing it be altered by competent authority.

"5th, and lastly. That these positions being uncontrovertible, the bill offered, as it was, as *a compromise* and a final settlement of the question, amounted to nothing but a total abandonment and surrender of the rights of extending the institutions of the South to those Territories."

The main object of this speech was to defeat the acquisition of this territory by Congress. He conceived that the measure tied up the hands of the people. He was utterly opposed to the treaty that bought this country; and he and his colleague Toombs were, we believe, the only two that voted against the appropriation of money to carry it into effect.

This bill, like all the other measures introduced with a view to settling the question of slavery in the Territories, was rejected, and Congress adjourned on the 14th of August. Mr. Stephens returned to Georgia in time to render most efficient service in the campaign, into which he entered with zeal, giving all the time that could be spared from his professional duties.

Early in this campaign, however, an event occurred which disabled him for a while for exertions, and indeed narrowly missed putting an end to his life. Mr. Stephens had heard that Judge Cone, a leading politician, had spoken in very acrimonious terms of his action, and had even gone so far, it was said, as to denounce him as a traitor to his country. This was reported to Mr. Stephens, who said that he did not believe that the judge had so spoken; but that as soon as he should meet him he would ask him about the matter, and if he avowed it, would "slap his face." Their first meeting occurred at a Whig gathering. After the speaking was over, the company sat down to a dinner in the grove, and during its progress Mr. Stephens took occasion to ask Judge Cone about the report, which the latter pronounced false. Mr. Stephens expressed his gratification, saying that he had never himself believed the report. He added, "I do not mean to say anything offensive to you, Judge Cone; but I think it right to say, as it will certainly be repeated to you by others, that I said (after expressing my disbelief in the report)

that if you avowed the expression attributed to you, I would slap your face." The judge repeated his disavowal, and the matter seemed to have ended peaceably. But the affair was talked of all over the State, and the judge grew persuaded that it was the general opinion that he had shown cowardice. Heated by this, he wrote Mr. Stephens a letter, demanding a retraction of his threat, to which Mr. Stephens replied in the same way, saying that as the threat had been only contingent upon the avowal of the report, and as the judge had pronounced the report false, there was no occasion for any offence or angry feeling.

Before the receipt of this reply of Mr. Stephens, Judge Cone and the latter accidentally met on the piazza of the Atlanta Hotel in that city. The judge, in an angry manner, again demanded a retraction. Mr. Stephens replied that the judge had made that demand of him in a letter, to which he had already replied in writing, and that he would give him no further answer. Upon this the judge called him a traitor, and Mr. Stephens instantly struck him across the face with a small cane in his hand. Livid with fury, the judge drew a dirk-knife, and attempted to stab him to the heart. In his left hand he had a closed umbrella, which Mr. Stephens caught, and interposed as a defence, the judge making furious thrusts with his knife, and wounding Mr. Stephens eighteen times on the body and arms. At length the judge, who was a large, muscular man, rushed upon him violently, the umbrella broke, and Mr. Stephens fell upon his back, his adversary throwing himself upon him. Forcing Mr. Stephens's head back to the floor with his left hand, he held the knife above his exposed throat, crying, "Retract, or I will cut your ——— throat!" "Never! Cut!" Mr. Stephens shouted. As the blade was descending Mr. Stephens caught it in his right hand, which was terribly mangled as his antagonist tried to wrench it away. Both men had risen to their feet again, still struggling, when friends rushed in and separated them, and Mr. Stephens was carried into the hotel, and his wounds immediately dressed. One of the stabs had penetrated to within less than a sixteenth of an inch from the heart; an intercostal artery had been cut, from which in a few minutes more he would have bled to death; and his right hand was

cut almost to pieces. It was thought at first that he could not possibly survive.

The news of this rencontre quickly spread, and caused the greatest excitement throughout the State, but especially in Mr. Stephens's own county. Hundreds thronged into Crawfordville to meet the night-train from Atlanta and learn his condition, for the report had run that he could not survive his injuries. Mr. Johnston was present, and will never forget the intense anxiety and the deep and terrible feeling of resentment that filled all breasts. Men spoke to each other in low tones,—all were waiting to hear what the train would bring; they would control themselves, and do nothing until they knew the truth. When the train was heard approaching, their excitement was scarcely to be repressed. As it glided in, a passenger shouted that his life was in no danger, and such a shout arose from the multitude as was never heard in that village before.

This painful affair was deeply regretted by all, but by none more than Judge Cone, who had always been an amiable man, and had never before been involved in any personal encounter. The taunts of his political opponents, and brooding over an imagined wrong, had for a time overthrown his judgment; and driven him to an act which he afterwards bitterly regretted. Mr. Stephens was very averse to the prosecution of Judge Cone for this assault, and refused to appear as prosecutor. The judge, however, was indicted, pleaded guilty to the lesser charge of stabbing, and was released on payment of a fine of one thousand dollars. The amicable relations between the judge and Mr. Stephens were restored after some years, and were never again interrupted.

As soon as Mr. Stephens had sufficiently recovered, he resumed his work in the canvass. His right hand had been so much disabled as to prevent his using it in writing, and we have but two more letters of his this year, both written with the left hand.

After the election of General Taylor to the Presidency, and the assembling of Congress, in December, there was much excitement produced by certain violent resolutions offered in that body by leading Northern Whigs. A meeting of Southern Sen-



ators and members was held, of which Ex-Governor Metcalf, Whig Senator from Kentucky, was president. A committee of fifteen—one from each slaveholding State—was appointed to report upon the state of the country; of which committee Mr. Stephens was chairman. This meeting, or convention, had several sessions, and adopted a report (drawn up by Mr. Stephens) to the effect that there was no cause for immediate action, further than an expressed determination of a united South, to maintain their constitutional rights if assailed.

Mr. Calhoun submitted a minority report, which was not adopted; but was afterwards published and extensively circulated.

In the correspondence, we find Mr. Stephens bidding farewell to the old year, as usual, in a letter, from which we make the following extract:

“ . . . Let us indulge in no forebodings of the future, but rest in hope that all, under the guidance of a kind Providence, will eventuate well; and that, whatever the next twelve months shall bring forth, will be the best for the promotion of the general advancement and happiness of this poor, degenerate, and sorely-afflicted world. Who will live to see the close of 1849 is at present beyond human conjecture. Who are to be the victims of violence, or slow disease, or scorching fevers, or racking pains, or raging pestilences, no one now can tell. But every one has his time, known only to the Ruler of the Universe; and all should act upon the principle of being always ready. To do the most good we can in relieving misery, supplying want, allaying strife, establishing peace, promoting happiness, advancing morals, and extending intelligence and virtue, and so to act in all things as to be ready at any time to close our career on earth,—these are the great objects of life. The close of every year fills me with sadness. Perhaps this is the last I shall ever see. In view of such a contingency, keep this letter, and it will always present to your mind a picture of my thoughts and feelings on this thirty-first of December, 1848. Twenty years from this time it will be a fruitful theme of meditation for you.”

## CHAPTER XXIII.

The Abolitionists in 1848—Rise of the Free-Soil Party—State of Feeling at Washington—Attitude of Southern Whigs—The Vote for Speaker—Duty of the South—A Bad State of Things—Signs of a Coming Catastrophe.

OF course the questions which Congress, as we have seen, left unsettled in 1848, were sure to come back with increased urgency in the next year. In the mean time important political events had happened. President Taylor had been elected by a majority of thirty-six electoral votes, which was a triumph for the Southern Whigs. But a new element had appeared in the campaign. At the previous Presidential election, the Abolitionists had for the first time introduced a candidate who received a popular vote of less than sixty-five thousand. But there were many who, while not desiring the abolition of African slavery at the South, which would have resulted in the impoverishment of the whole country, were still most eager not only to condemn the South to a perpetual and hopeless minority, but to restrict her from growth in the future, while opening prospects of indefinite extension to the North. By this policy it was evident that the North would in time acquire such a majority in both Houses of Congress that she could alter the Constitution to her own liking, and thus have the South, bound hand and foot, at her mercy.

The Territorial question afforded an admirable fulcrum for applying the lever. It seemed so reasonable and equitable to say, "We do not desire to interfere with any of your rights: what the Constitution protects you in shall not be meddled with. But we do object to your carrying slavery into new Territories where it does not now exist; and on this basis we will resist you." That is: all future Territories, and all future States, no matter how acquired, shall be ours and not yours.

Upon this basis the Free-Soil party was formed, and grew with such rapidity that in the election of 1848 it was able to poll nearly three hundred thousand votes.

The question with regard to the organization of California had become most pressing, too, for another reason. The discoveries of gold had attracted multitudes of people, including lawless adventurers from all parts of the world, with little respect for the rights of others or the welfare of society; and an organized government was a matter of prime necessity. All this had been left by the Thirtieth Congress to its successor, which assembled on the 5th of December.

Mr. Stephens reached Washington about the last of November, and found everything betokening a stormy session. He writes on December 2d:

"To-morrow is the great day for organizing the House; and the elements without" [a fierce snow-storm was raging] "are not very unlike the elements of passion which are now beclouding and casting a chilling darkness over coming events. My most serious apprehensions of the difficulties before us will, I fear, be realized; the indications of most boisterous times are looming upon the horizon. I never saw greater sectional feeling exhibited. The North is insolent and unyielding. What is to be the result I cannot imagine. Winthrop will not get the entire Southern vote. I shall not vote for him myself. Last night, in caucus, we wanted the Northern Whigs to agree not to press the [Wilmot] Proviso, and not to favor or vote for the abolition of slavery in the District. This they would not do. I believe they are bent on mischief.

"I quitted the meeting, as did Toombs, Cabell, Morton, Hilliard, Owen, and some others. I told them distinctly and positively that I should hold no connection with a party that did not disconnect itself from these aggressive abolition movements. And I intend to abide by what I have said. I think the Northern Whigs intend to pass some obnoxious measure in reference to slavery, to compel President Taylor either to veto it or to sign it. But enough of this now. I am perhaps under too much excitement. My Southern blood and feelings are up, and I feel as if I am prepared to fight at all hazards and to the last extremity in vindication of our honor and rights . . .

"The Whigs, I understand, after we left, nominated Winthrop, and then refused to nominate a Clerk, because he would have to be taken from the South, and that they did not intend to grant. The North, according to their views, is hereafter to have *all* the offices. No Southern slaveholder is to have any. But enough. Good-night."

On the next day he writes :

"The House met to-day at 12 m., 221 members only present, and balloted four times for Speaker, without electing. The vote stood : For Cobb, 103 ; Winthrop, 96 ; Wilmot, 8 ; Gentry, 6, and several scattering. The six votes for Gentry were given by Toombs, Cabell, Morton, Owen, Hilliard, and myself. I consider his election out of the question, unless the North makes a point on him. There was no angry talk in the House to-day ; but the feeling is deep and intense. We are to meet again to-morrow, and how many days in succession to go through the same operation I cannot say.

"The Administration here is in bad condition. I consider it as almost *in extremis*. The truth is, the Cabinet do not understand their business. The greatest blunders that were ever made by man have been made by them all over the United States. The cry of disappointment from all quarters is worse than it is in Georgia. Clayton is greatly censured, and, I think, justly. He has failed to redeem his most solemn promises. . . . I have had long talks with Northern Whigs to-day, calm and dispassionate, and they seemed disposed to yield nothing. They intend to carry abolition anywhere they can by the Constitution. That is their determination as a party. I sometimes think their notion is to get rid of General Taylor for the succession, by forcing him to veto some such measure. With such a party I cannot act."

*December 4th.*— . . . "Few changes in the votes to-day. I am more and more convinced every day that the Slave question is rapidly approaching a crisis. If the South intends really to resist the abolition of slavery in the District and the forts and arsenals, it is time they were making the necessary preparations of men and money, arms and munitions, etc., to meet the emergency. I speak plainly and frankly. It is no time for humbug resolutions or gasconade. No step should be taken unless we intend to stick to the constitutional Union at every hazard. For myself, after thinking of this subject as dispassionately as I could for several days under the excitement here, I hesitate not to say that, in my opinion, a maintenance of our honor, to say nothing of vindication of our rights, requires us to resist the aggression. In my course here, while I shall pursue in all things the policy which I shall believe will most likely avert such a result, yet I shall yield nothing to the aggressor. It is becoming bootless now to quarrel with ourselves about who contributed most to the present state of things. I believe the agitators of the South for several years have done more to effect it than all others united. But as Southern men we must look things in the face as we find them. Our fortunes are united, and our destiny must be common.

"It is also bootless to count the chances of success in a struggle with the Federal Government. No people who are not fit for the lowest degradation count the cost or hazard of defending their honor or their rights.

It is better to fall in a manly struggle than to live and fatten in inglorious ease. And I would rather to-day see the whole Southern race buried in honorable graves than see them insolently trampled over by such canting, whining, pulling hypocrites as are now setting themselves up as their judges and reformers. I would rather see Georgia share the fate of Hungary or Poland than see her truckling to the dictation of Northern hordes of Goths and Vandals who are now threatening her with their power.

"But this is the gloomiest side of the picture. I do not think we should be so easily subdued. We have spirit and energy, and we should have friends also. Let us, then, be firm. These views I give you in the worst aspect of the question. Perhaps all this may be averted. I shall do all in my power to avert it."

*December 5th.*—"Another day passed and nothing done. . . . The feeling of the North now seems abating. Perhaps a large portion of them may yet be brought to terms. If so, a great deal will be gained. . . . I find the feeling among the Southern members for a dissolution of the Union—if the anti-slavery [measures] should be pressed to extremity—is becoming much more general than at first. Men are now beginning to talk of it seriously, who, twelve months ago, hardly permitted themselves to think of it. And the North is beginning to count the cost. Not the Free-Soilers, but the mercantile class. I shall not yet despair of the Republic; but while I hope for the best, I am for being prepared for the worst."

*December 12th.*—"As for the state of things here, it 'gets no better fast.' We had the most disgraceful scene in the House to-day you ever witnessed. The Democrats had formed a coalition with the Free-Soilers for the election of Brown, of Indiana. The bargain was discovered just before it was finally consummated. Brown had pledged himself to the Free-Soilers to give them satisfactory Committees on the Territories and on this District. Upon this Wilmot, Giddings, & Co. voted for him side by side with Cobb, of Georgia, Burt, of South Carolina, and all the rest of the same stripe. Somehow or other the secret got out just before the vote was finally taken or announced, and Seddon, Bocoek, and McMullen, of Virginia, changed their votes and defeated the election by two votes. Then the disclosure was made, and such a row you never saw. We broke up pretty much in a row, and where or when the matter will end no one can tell."

It is easy now to see that all this could have but one end, though the final catastrophe was delayed for eleven years. When the ship, in the Eastern story, is nearing the lodestone rock, before the crash and break-up come, the pins and bolts fly from the timbers. Amid all the storms through which the ship of the Union had hitherto passed, the sections, however strained,

had been bound together by the *continuity* of the great parties, by the existence of a large and powerful body of Democrats at the North and of Whigs at the South. But now, under the irresistible attraction of sectionalism, the bolts began to fly. We see Northern Whigs "determined as a party to carry abolition anywhere they can." We see Northern Democrats entering into secret coalition with the Free-Soilers. We see Southern Whigs and Democrats indignant and alarmed; and the man who of all the Congress had perhaps the strongest and most disinterested attachment to the Union, saying that it is time to be considering the question of resistance, and preferring for his beloved State the fate of Hungary or Poland to the degradation of "truckling to the dictation of the North." Had the South been wise, she would have made ready in time for the storm that was sure to come. But there were always flattering voices proclaiming "peace, peace," when nothing but a truce was possible, and assuring that the next compromise or compact would be certainly observed, despite the experience of the past. Then, among a large portion of the people there was a pathetic unreasoning devotion to "the Union;" not the wise attachment that prized it only so far as it was the means toward an end, but a sort of blind fetish-worship that looked upon it as something in itself supremely sacred and precious, even though it should have failed to accomplish the objects for which it had been established. With these a few empty and resonant phrases about "the great and glorious Union," "the best government the world ever saw," etc., produced an effect in the way of blinding them to their interests and their rights, to the history of the past, and the inevitably approaching catastrophe, that we can only call magical, since it confounds all reason. Truly the South in these days was the antitype of Sterne's father, whom "you might have cheated ten times a day, if nine had not been sufficient for your purpose."

*December 15th.*—"I send you to-day two papers containing the reports of the speeches of Toombs and myself, with others of the House, day before yesterday. That was the most exciting day I ever witnessed in that Hall. . . . How or when we shall get a Speaker I do not see. I am still of opinion that the Legislature [of Georgia, then in session] ought to take no stand that they will not in good faith carry out to the bitter end. . . .

If they intend to fight in any contingency, let them say so; and if they do not, let them not say so. There is but one step from the sublime to the ridiculous, in politics as well as in poetry."

*December 17th.*—"We remain *in statu quo ante bellum*. No Speaker yet. But you know the old adage: 'money makes the mare go': and I think, from indications within the last forty-eight hours, that landladies' and landlords' bills will begin to operate in a few days. The members begin to want money terribly, and there is no getting a dollar except on credit until the House organizes. But for the root of all evil, I believe the House would probably never organize as now constituted. Since the speaking was stopped in the House, the excitement seems to have abated. There is nothing so effectual against quarrels as silence. We have been voting all day without coming within cannon-shot of an election. I think we have effectually scotched the movement for abolition in the District for this Congress."

*December 18th.* . . . "I have no idea when we shall elect a Speaker, but if the South would follow my lead, and act with my spirit, NEVER, until the North came to terms with us upon our rights. This is my kind of resistance, at least for the present."

*December 31st.* . . . "You will see Cobb's\* Committees in the *Globe* tomorrow. I don't think he has given general satisfaction. I shall not serve on the Committee he has put me on."

In reference to these events Mr. Stephens writes, in April, 1869:

"The Whigs had carried the House, but the Northern wing was greatly demoralized on the sectional question. My purpose and Toombs's was to bring them to terms on this question of the Speakership. This, in my opinion, then and now, could have been done if the Southern Democrats had taken and adhered to a like position. But they did not seem to me then to be sincere in the matter. They seemed to use it only for party purposes. Hence they let go, elected their Speaker, and made all the capital they could out of the divisions in the Whig party. The great evil was but postponed and aggravated."

This conduct of the Southern Democrats in the House had much to do in determining Mr. Stephens in his conclusions in regard to the wisdom and expediency of secession. In other letters written in the latter part of this year, we find indications of a growing belief, that the denunciations of Northern aggression, and threats of what the South would do if this course were

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\* Howell Cobb, of Georgia, a Democrat, was elected Speaker on the 22d, under a resolution of the House making, on this occasion, a mere plurality of votes sufficient to elect.

persisted in, were in great part mere bluster of the political leaders. He was coming to the conclusion that while the North was growing ever more regardless of the constitutional rights of the South, the latter was becoming more and more incapable of offering effectual resistance.

Another old friend dies on this 31st of December. But he is in no mood for moralizing. Perhaps this has not been so much of a friend, for he cares not to sit up and watch ; so inclosing in his letter a charade and a puzzle for his brother's amusement, he goes to bed.



## CHAPTER XXIV.

Calhoun, Clay, and Webster in the Senate—Signs of the Times—President Taylor's Policy—A Glance into the Future—Dismemberment of the Union Inevitable—What the South should do—Mr. Clay's Compromise Resolutions—Mr. Clay's Speech—A Sketch of the Scene and the Audience—Sorrow for a Humble Friend—A Wedding in Low Life—Death of Calhoun—The Galphin Claim—Seward's Plot—The Secretary of State and Sir Henry Bulwer—"A most Wonderful Characteristic of our People"—Sits for his Portrait—Hot Debates in both Houses—Principle of Non-interference established—Death of President Taylor—Passage of Mr. Clay's Bill, and Renewed Pledges of the Northern States—Georgia Resolutions—Jenny Lind.

STORMILY the old year had closed, and stormily the new year entered. No previous Congress had had within it such fierce elements of contention. Sectionalism was making rapid strides; and the voices of those who counselled peace and justice were lost in the general clamor. Steadily but surely the forces were gathering into solid phalanx, North against South; the North seeing in the future a tempting vision of absolute power, and the South beginning to feel that withdrawal from the Union or unconditional submission would, ere long, be the only alternatives left her.

Still, there were men whose wisdom, patriotism, and eminent position did much to avert for a time the inevitable catastrophe. Mr. Clay had returned to the Senate, where he joined Mr. Webster and Mr. Calhoun, so that "the great Trio," as they were called, were again in the arena.

On January 15th, 1850, Mr. Stephens writes to Linton:

"The general signs of the times augur no good, as I read them. Men's minds are unsettled. The temper of the country is fretful. The *centrifugal* tendency in our system is now decidedly in the ascendant."

January 21st.—"In the message received to-day you will see that the policy of General Taylor is that the people inhabiting the new acquisitions shall come into the Union as States, without the adoption of Territorial

governments. To this policy he is, and considers himself, committed. And I now believe if any Territorial government [bill] should be passed with the Wilmot Proviso in it, he would withhold his approval. We shall therefore most probably have California and New Mexico as States before long. But the bearing of this policy on the great questions of the day is a matter still to be considered. Will the Slavery question be settled in this way? I think not. My deliberate opinion at this time, or the opinion I have formed from the best lights before me, is that it will be the beginning of an end which will be the severance of the political bonds that unite the slaveholding and non-slaveholding States of this Union. I give you this view rather in opposition to the one I ventured to express on the evening of the 25th of December. I then looked to settlement and adjustment and a preservation of the Union; and as far as I then saw on the horizon, I think the opinion was correct. There will, perhaps, be a temporary settlement and a temporary quiet. But I have lately been taking a farther and a broader view of the future. When I look at the *causes* of the present discontent, I am persuaded there will never again be harmony between the two great sections of the Union. When California and New Mexico and Oregon and Nebraska are admitted as States, then the majority in the Senate will be against us. The power will be with them to harass, annoy, and oppress. And it is a law of power to exert itself, as universal as it is a law of nature that nothing shall stand still. Cast your eye, then, a few years into the future, and see what images of strife are seen figuring on the boards! In the halls of Congress, nothing but debates about the crimes and the iniquity of slavery, and the duty of the General Government to withhold all countenance of the unholy institution of human bondage. Can Southern men occupy seats in the halls of a Legislature with this constant reproach? It is not reasonable. It is more than I expect. It is more than human nature can expect. The present crisis may pass; the present adjustment may be made; but the great question of the permanence of slavery in the Southern States will be far from being settled thereby. And, in my opinion, the crisis of that question is not far ahead. The very palliatives now so soothingly administered do but more speedily develop the stealthy disease which is fast approaching the vitals. . . . My opinion is that a dismemberment of this Republic is not among the improbabilities of a few years to come. In all my acts I shall look to that event. I shall do nothing to favor it or hasten, but I now consider it inevitable.

"Were I in our Legislature, I should certainly vote against any resolutions on the admission of California and New Mexico, or any other State, because of clauses in their Constitutions against slavery. That is not a point on which to make an issue. The South was injured by the acquisition under the treaty which provided for their admission, not by the fulfilment of the obligations of the treaty after it has been ratified in all due forms known to our Constitution. But I should not say much in *praise*

of the Union. I see no hope to the South from the Union. I do not believe much in resolutions, any way. I am a good deal like Troup in this particular. If I were now in the Legislature, I should introduce bills reorganizing the militia, for the establishment of a military school, the encouragement of the formation of volunteer companies, the creation of arsenals, of an armory, and an establishment for making gunpowder. In these lies our defence. I tell you the argument is exhausted; and if the South do not intend to be overrun with anti-slavery doctrines, they must, before no distant day, stand by their arms. My mind is made up; I am for the fight, if the country will back me. And if not, we had better have no 'Resolutions' and no gasconade. They will but add to our degradation.

"In reference to the Legislature, I should prefer that nothing should be done in the way of resolutions, but the expression of the fixed and unanimous determination of our State to support the Union under the Constitution and its compromises, and to resist to the utmost of our means any violation of its letter and spirit by Congress, so far as the institution of slavery is concerned. These are my feelings, and this is the language I should hold. Partisans and demagogues might take care of themselves. To this complexion it will come at last. It is a great mistake to suppose that the South can stave off this question. *We have, ultimately, to submit or fight.* . . .

"The Wilmot Proviso will not pass. That is an obsolete idea. Slavery will not be abolished in the District this Congress, and perhaps not in six or eight years. But it will be done in the lifetime of those now on the stage of action; and the South will be held up by public sentiment in the North, and in the halls of Congress, to the whole world as polluted with the crime of human bondage. My course shall be directed to the future. I shall regard with little interest the events of the few intervening years.

"I consider the Wilmot Proviso a humbug. In itself it is a dispute about 'goats' wool.' I should regard its passage as a good cause of resistance only so far as it might be considered an *insult* to the South. The expression to the world of the deliberate opinion of the Federal Government that institutions tolerated in the South deserve public censure and national odium, would be no small offence to the people of fifteen States of the Union.

"One other thought. Could the South maintain a separate political organization? On this I have thought a great deal. It has been the most perplexing question to my mind. The result of my reflections is that she could, if her people be united. She would maintain her position, I think, better than the North. She has great elements of power. But I cannot dwell upon this now."

On January 29th, Mr. Clay presented a series of Resolutions known as his "Compromise," on the subjects of chief agitation

at the time, or what he called "the five bleeding wounds." These were: the admission of California as a State under the Constitution she had prepared; the organization of Territorial governments for Utah and New Mexico; the settlement of the boundary between New Mexico and Texas; slavery in the District of Columbia; the non-rendition of fugitives from service. On these Resolutions Mr. Clay delivered one of his most celebrated speeches, of which we shall hear more presently.

Of the nature of these Resolutions Mr. Stephens thus speaks in his *Constitutional View of the War* (vol. ii. p. 199):

"To understand the bearing of his Resolutions and the difference between them and the final acts of Congress on the subjects embraced by them, it is proper to state that before the meeting of this session of Congress, and without any authority from Congress, the people of California had, during the summer of 1849, under a proclamation of General Riley, of the United States army, then in command of that military district, called a convention which had framed a constitution with an exclusion of slavery, and asked to be admitted as a State into the Union under it. This was understood to have been done in pursuance of the policy of General Taylor's Administration, which was to get rid of the vexed question by stimulating the people of the Territories to form State constitutions, with the exclusion of slavery in them, and for them thus to apply for admission into the Union without any previous authority from Congress. This policy met the approval of very few of any party. To say nothing of other considerations, the people of Utah and New Mexico were in no condition to become States.

"Mr. Clay's Compromise proposed to admit California under the constitution so formed; to organize Territorial governments for Utah and New Mexico, without any restriction as to slavery; to settle the question of boundary between New Mexico and Texas, by negotiation with that State; to pass an efficient act for the rendition of fugitive slaves, and to abolish the slave-trade, as it was called, in the District of Columbia. These propositions, taken together, like the Administration plan, satisfied very few members, either of the Senate or the House. The great majority of the North were utterly unwilling to abandon the restriction of slavery in the Territories. A formidable minority of the same section was equally unwilling to comply with that clause of the Constitution requiring the rendition of fugitive slaves. This latter class, also, were not satisfied with the bare suppression of the slave-trade in the District of Columbia, but insisted upon a total abolition.

"On the Southern side, an overwhelming majority were opposed to the admission of California as a State, under the constitution so formed,

irregularly, and without the authority of law. The class of Southern Whigs referred to were willing to admit California under her constitution; but required that in the organization of the Territorial governments for Utah and New Mexico, the people from the South, settling and colonizing those Territories, should be permitted to carry their slaves with them, if they chose; and that the whole people, then, should be permitted to frame such constitutions as they might please in reference to African slavery; and upon their application for admission into the Union, they should be received as States without any Congressional restriction upon that subject."

*February 10th.*—In answer to some of his brother's strictures on the conduct of certain members of the Georgia Legislature he has much to say, of which this is a part :

"I would not for the world court the good will of either a knave or a fool by the sacrifice of principle; but I would not quarrel with them, nor change my conduct towards them because of their not appreciating my motives or conduct. I look upon —— as a most consummate knave, and yet I suppose he will be sent to the N[ashville] C[onvention] and there take a high stand on Southern Rights! . . . What is to become of us I cannot tell. But everything I see around me augurs the approach of anarchy. The opinion I gave you some time ago is strengthened by time. I see no prospect of a continuance of this Union long. The Nashville Convention will be held. It will be the nucleus of another sectional assemblage. A fixed alienation of feeling will be the result. The anti-slavery feeling and feeling of dismemberment may be abated, but it will return with increased force. It is the idea of the age, the monomania of the century in which we live. Its march is onward, steady and stealthy, like the approach of some mysterious epidemic. When, where, or how it is to end, God only knows. If we had virtue and patriotism among our people and not demagogism, I should hope much from a Southern Confederacy. But I fear such men as —— and ——, and all of that class, cannot safely control the destinies of any people. They may create a revolution, but they cannot build up a good government. Other heads, other hands, and other hearts will be necessary for such a work. We have the ability, the natural position, and the resources for a great and prosperous people. All the elements of power and progress are still within reach. All we want is the good sense, the forecast, the sound judgment, and the proper principles to exert them rightly, in order to give us all that a nation ought to have for its elevation and renown. But I fear we should soon degenerate into factions headed by bad leaders who would look only to their own distinction. We must, however, make the most and the best [of events?] as they pass. Great ones are ahead of us, of this I feel certain. The next quarter of a century will be an important epoch in the

history of the Western Continent. Those who are now entering into life will necessarily be conspicuous actors in it."

*February 11th.*—"The California Constitution has at length arrived. . . . My opinion as to what will be the proper course upon the admission of California is not yet made up. It will depend upon so many events and developments, that I have thought it wise not to be hasty in coming to a conclusion. Everything here is uncertain. We are like a set of fellows at sea, trying to make port in a fog. There is no seeing a rod before you, and no one pretends to know where we are drifting. There is a great deal in *luck* I have heard you say: my greatest hope at this time for safety is in some fortunate turn of that sort; or rather, I would say, that my greatest hope is in the hands of Providence. I hope all will yet turn out well; but I do not see how or when. The dark hour, it is said, is just before day: may it be so with regard to our present position of affairs! I do not, however, feel half that gloomy spirit that I felt three winters ago when the war was raging and I saw all these difficulties in the distance. The storm-cloud was then gathering; and as in nature the most painful and terrible moment is when the horizon is blackening with the coming tempest, so is it with me in this matter. The fury of the gale gives life to the scene. Nothing is so depressing to the spirits as the hushed calm which precedes the devastating whirl of the tornado or sweep of the torrent. When it is upon you, there is some exhilaration in its force and fury, a feeling somewhat kindred to the excitement of battle. Such is my condition now, and such is the condition of things here, and hence I never spent a more cheerful and agreeable winter in Washington. The same remark, I believe, is applicable to all around me. The members are all friendly in their intercourse; and to see Northern and Southern men together you would not suppose there was anything like enmity between them."

*February 20th.*—After a long and rather humorous description of that humorous personage, Senator Foote, Mr. Stephens comments on the fact of there being at the time so remarkable a conjunction of distinguished orators and statesmen in the Senate. He singles out Calhoun, Webster, Clay, and Benton as stars of the first magnitude and "master-spirits of the last quarter of a century, at least on this continent." A little below them he places Cass, and a little lower, but still distinguished, Houston, of Texas. He then refers to Mr. Clay's speech on his Resolutions:

"The excitement in the country, the magnitude and importance of the subject, as well as the eager desire of thousands to hear him, the great orator of the age,—these feelings had extended not only throughout this city and Baltimore, but the news that he was to speak on that day [Feb-

ruary 5th] had gone to Philadelphia, New York, and Boston, and from all these places and many others more distant men and women had come in great numbers to see and hear him."

Some of the prominent persons are thus sketched :

. . . "Millard Fillmore, occupying the conspicuous seat erected for the second officer of the Government. . . His countenance is open and bland, his chest full. His eye is bright, blue, and intelligent; his hair thick and slightly gray. His personal appearance is striking; and no one can look at him without feeling conscious that he is a man far above the average. On his right, near the aisle leading to the front door, sits Cass with his hands folded in his lap as if to hold up his protruding and superincumbent abdomen; his sleepy-looking eyes occasionally glancing at the galleries, and then at the crowd pressing in below. Benton sits in his well-known place, leaning back in his chair, and giving all who desire it a full view of his person. One vacant seat is seen not far off on the same side of the House. A vacant seat in such a crowd excites the attention of all. 'Whose seat is that?' goes in whispers around. 'It is Calhoun's,—not well enough to be out yet.' 'Who is that sitting by Cass?' says one. 'That is Buchanan,—come all the way from home to hear Clay.' 'What thin-visaged man is that standing over yonder and constantly moving?' 'What, that old skeleton of a man yonder?' 'Yes.' 'That is Ritchie of the *Union*.' 'Who is that walking down the aisle with that uncouth coat and all that hair about his chin? Did you ever see such a swaggerer? He can't be a Senator.' 'That is Sam Houston.' 'But where is Webster? I don't see him.' 'He is in the Supreme Court, where he has a case to argue to-day.' See Corwin, and Badger, and Berrien, and Dawson, all near Clay; all of them quiet while Clay pursues his writing. On the opposite side, Butler, and Foote, and Clemens, and Douglas.

"After the carriage of the motion of Mr. Mangum to proceed to the consideration of the order of the day, Mr. Clay folds his papers and puts them in his desk, and after the business is announced, rises gracefully and majestically. Instantaneously there is a general applause, which Mr. Clay seems not to notice. The noise within is heard without, and the great crowd raised such a shout that Mr. Clay had to pause until the officers went out and cleared all the entrances, and then he began. He spoke on that day two hours and fifteen minutes. The speech was reported in the *Globe* word for word as he uttered it. I never saw such a report before. His voice was good, his enunciation clear and distinct, his action firm, his strength far surpassing my expectation. He had the riveted gaze of the multitude the whole time. When he concluded, an immense throng of friends, both men and women, came up to congratulate and to *kiss* him."

*February 24th.*—"Toombs will make a speech this week, and so will I, if I get well enough. We do not intend to defend the position of Georgia Democrats in their resolutions in the Legislature touching the admis-

sion of California. Whether I shall vote finally for it is not certain, and will depend upon other matters. If it can be connected with such other schemes of compromise as I am in favor of, I shall certainly vote for it. It is said here by some who pretend to be informed, that Mr. Webster intends shortly to make a speech which will win him golden opinions from the Potomac to the Rio Grande. How it will turn out I cannot say. I give it to you only as one of the *on dits*, and I do that *sub rosa*."

*March 6th.*—This is in answer to a letter communicating the probable death by an accident of a humble kinsman, Andrew Jones.

"Poor Andy! How often have I thought of him! How often have I sympathized with him! and how often, when furthest removed from him, has my compassion gone out to him! Many of the joyous days of my boyhood were spent with him. In my tender years, when oppressed with real and imaginary trouble, when I had no one to condole with me, I often sought him out and found relief in his innocent and simple diversions. Whole days and nights I have taken refuge from the buffeting world in the sunshine of his mild and gentle spirit. In the hours of bitterest affliction he was always near to administer comfort to the best of his ability. . . . The day father died, when I went out into the old field and threw myself upon the ground almost crushed with anguish, Andy was near me. He lay by my side upon the grass, and lamented as if he too had lost a father. And can it be true that his body was mangled and life extinguished with no kind hand to minister to his sufferings? Oh, Andy, Andy! would I could have been there in your last moments! . . . Life has many changes. I have passed through many, and perhaps many more are in store for me. but I never can forget my early associations with Andy. . . . Poor fellow! Our lots in life have been cast in different places; but it makes my heart bleed to think of the past and to think of him. . . . Well, no marble may mark his grave; but the sod above him shall not be unbedewed with tears, should I ever be permitted to pay such a tribute to his memory. . . . Last Friday night, the night before this accident, I had a dream that filled me with apprehension that some bad news would reach me. In my dream I saw brother. I knew him: I talked to him. But oh how changed from the likeness he used to wear! He seemed to be a messenger from another world, but vanished before announcing the object of his mission. I tried to talk to him of his own last sufferings, but got no reply. . . . Life is full of mutation. We are all but bubbles on the tide of time. There will soon be left but few of my former friends; but as the number grows smaller, my love for them increases. As the hopes of life die out, my spirit turns toward the graves of my departed friends. I have stronger inclinations towards home now than ever. I am utterly sick of this place, of public men and public affairs. . . . But I am grieved and afflicted, and will close this disconsolate strain by bidding you good-night."



*March 24th.*—A bit of home-news. A neighbor's servant\* has put in a request to have Eliza (his cook) to wife. He has no objection.

"Tell Eliza to go to Sloman's and get her a wedding-dress, including a pair of shoes, and to have a decent wedding of it. Let them cook a supper, and have such of their friends as they wish. Tell them to get some 'parson man' and be married like Christian folks. Let the wedding come off some time when you are at home, so that you may keep order among them. Buy a pig, and let them have a good supper. Let Eliza bake some pound-cake, and set a good wedding-table."

*March 29th.*—"Since Tuesday I have been busy investigating the charge of Preston King against the Speaker. The Committee reported yesterday. Their report was unanimous, and was also unanimously adopted by the House. A baser or more malignant, as well as groundless, charge was never made against any man than that against Cobb. It was without the color of a pretext."

*March 31st.*—"The Angel of Death has just passed by, and his shadow is seen lingering upon the startled countenances of all. A great man has just fallen—Calhoun! His race is ended. His restless and fiery spirit sleeps in that deep and long repose which awaits all the living. He died this morning about seven o'clock. Peace to his ashes! His name will long be remembered in the history of this country. He has closed his career at a most eventful period of that history, and perhaps it is most fortunate for his fame that he died just at this time."

*April 4th.*—A letter mostly about the Galphin claim, in which Governor Crawford, of Georgia, then Secretary of War, was interested, and from which he received one hundred and eighteen thousand dollars. Much blame was heaped on Mr. Crawford in reference to this matter. Mr. Stephens writes:

"Of course Crawford is not to be blamed in any respect. For the claim was not adjusted in his department. It was allowed and settled by the Secretary of the Treasury on the opinion of the Attorney-General; and it is but just to those officers, and it should be known that neither of them knew that their colleague in the Cabinet had any interest in the claim until after it was adjusted and paid. Crawford was by contract of fifteen years to have half of the recovery. He is a lucky man in old claims, but a purer man, I believe, is rarely to be met with."

*April 12th.*—"The state of affairs fills me with deep interest and concern for the future. We have great troubles ahead. Campbell, the Clerk, died to-day. We shall have trouble in electing a successor, and lots of

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\* Harry, afterwards widely known as the faithful major-domo of Liberty Hall.

troubles beside. I am beginning to look for a general *blow-up* before long. This Administration cannot get along with this Government. I am pained and made heart-sick at witnessing their folly.”

*April 15th.*—“I feel less interest in politics, and particularly in parties, than I ever did. I don’t think, if spared many a year to come, that I should ever again feel any deep interest in the success of any ticket upon mere party considerations. The *principles* at issue, and the *men* before the country, combined, shall always hereafter control my vote. All parties are corrupt, and all party organizations are kept up by bad men for corrupt purposes. I am out of party. I have been very much pained lately at seeing the course of men that I once thought well of, and for whose elevation to office I strove so hard. My only consolation is the consciousness of the integrity of my own motives. I looked to nothing but the common good and prosperity of the country. I was *green* enough to suppose that there was such a thing as disinterested patriotism. I find I was mistaken. I feel mortified at my disappointment; but bear my mortification as I do a bruise or a sprain. I shall endeavor to avoid such accidents in future. The men to whom I allude are —, —, and —. These men, I think, I had put in the Cabinet: I know I contributed to it. I am inclined to feel that the responsibility rests upon me. I would not have you understand me as saying anything against them further than that I have been disappointed in the course of policy they would pursue. — is kindly, honest, and, I think, free from all intrigue; but he is wholly unfit for his present place. He takes no interest in public affairs; he consults with nobody on the propriety of his appointments, and makes great blunders in them. As for —, I am much more disappointed in him, for I find he is a scheming, intriguing politician. . . . He has done more to ruin this Administration, I think, than all the members of the Cabinet together. He has Taylor’s confidence. Taylor is pure and honest: his impulses are right; but he suffers his own judgment to be controlled by others, and by no one so much as —. The great blunder he made was in suffering himself to be influenced by Seward. Seward ‘came it over’ —. I have no doubt an alliance was formed between them before Congress met. The extent of the implied understanding (to call it nothing else) I do not know: but the anti-slavery men of the North were to be brought to the support of Taylor by Seward; not by a surrender of the sentiment, but by making Taylor the head of their party,—not as an abolitionist, but as a liberal man of the South, opposed to the *extension* of slavery, and willing for the majority of the men of the North to carry out any measure they might think proper. The Whig party, in other words, was to absorb the Free-Soil party in the North, and become the great anti-slavery party of the nineteenth century. The ‘Locos’ at the North would be put down by their affiliation with slavery. The whole North would be Whig. Taylor would be re-elected, and then Seward would succeed, and a long list of successions, doubtless, loomed up in the opening vista. . . .

I have told him that his policy would ruin General Taylor. It will break down his Administration, North and South, and leave him with a smaller party than Tyler had. . . .

"I told you last fall that in my opinion Taylor would sign the Proviso. You may now understand why I thought so. That point alone would not have caused me to break with the Whig party; but I soon saw that the expectation was that Winthrop was to be elected by a coalition of the Southern Whigs with the Free-Soilers, and the Whig party was to be the anti-slavery party. . . . If we carry McClernand's Bill, we shall do it against the whole power of the Government, and the Whig party will be defunct."

*April 17th.*—"I told you some days ago about the general feeling here among the Whigs, North and South, against the Cabinet. That is, I told you that a general blow-up might be looked for. I now say that no blow-up may be expected soon. The Cabinet intend to stand. I don't think they intend to correct their errors, but they do intend to hold their places. I often hear good things about them, collectively or individually. I heard a good one on Clayton the other day. To relish it, you ought to know him. He is good-natured, can't deny anybody anything, promises all things to all men, and disappoints all. Another feature in his character is that he can't keep a secret,—a great fault in a Secretary of State. He tells everything that happens in Cabinet meetings, and some things that don't; for he sometimes promises a poor fellow an office, and after voting against him in the Cabinet, goes out and tells him that he was *overruled*. Well, it so happened not very long ago that the Secretary and Sir Henry Bulwer had a talk, as the report goes, about Nicaragua. The next day, or the day after, the substance of the talk appeared in the correspondence of one or two Northern papers. This annoyed Sir Henry, and at his next interview he said, 'How is this, Mr. Clayton? I thought our conversation here was private. I have mentioned it to no one, and yet I see what we conferred about at our last meeting published in all the papers. Can you explain it?' This to most men would have been embarrassing, but to our Falstaffian Secretary of State it was a small matter. With all imaginable composure he said that he could not account for it. Such things annoyed him extremely,—they perplexed him almost to death. It was owing to the character of our people: they were always meddling with things that did not concern them. These publications were nothing but the '*surmises of prurient letter-writers* that were a pest of the city.' Sir Henry, to this rational explanation, replied by barely saying that he had often heard that the people of this country were distinguished for the faculty of *guessing*, but he confessed that it exceeded anything he had been prepared to expect. The Secretary remarked that it was 'a most wonderful characteristic of our people, sir. They find out everything that is done. They seem to me, sir, to find out one's very thoughts. It annoys me to death.'"

*April 17th. (Second letter.)*—"We are just in the midst of the fight

here. There never was such a scene in the Senate as was enacted there to-day. Clay was in his glory. He rose to his full height and was magnificent. I did not know such thrilling eloquence was in him. Foote and Benton were having a fight."

*April 21st.*—A long letter of advice to his brother. He is not anxious for him to obtain public office, but is most solicitous that he shall establish a reputation and character in the community.

"You have no idea of my solicitude on this point. I have never told you how intensely I feel about it. Perhaps it is wrong to indulge such feelings, but all the hopes, desires, and ambitions of my life are now centred in you. I feel as if my race is nearly run. I feel that I am unfit to mix among men. I am inclined to retire, at an early day, from public life, and seek the pleasures of solitude."

*April 23th, Sunday.*—He has been very unwell for several days, so instead of going to church, stays at home and writes.

"I thought I should feel better in spending my time in writing to you than in turning my attention to the faces and fantastic attire of the fashionable crowd who go up to the house of the Lord in this city of Pharisees. If I knew where there was some humble building in the outskirts of the town where the meek, the lowly in heart, congregate, I might venture out and spend an hour with pleasure and profit to myself; but not knowing any such place, I have resolved to stay in my room and talk a little with you."

*May 2d.*—"From the report of Mr. Webster's speech at Faneuil Hall, it seems that he intends to 'stand up to the rack.' He certainly opens well. I know it was pretty confidently expected in certain high quarters here when he left that his nerves would fail him when he came to speak face to face with the Faneuil Hall philanthropists. But I have hopes of him now."

*May 7th.*—"I sat to-day for my portrait. What do you think of that? It is one of the strangest events of my life. I never thought before of having my portrait taken. I was walking by a committee-room,—I saw some portraits,—walked up to look at them. The man of the brush asked me to let him take mine. I told him I might, perhaps, at some other time. He said *then* would do as well as any time: he would not want me to sit longer than ten minutes at a time; so down I sat and to work he went. When all was done, I asked him how much he charged for them. He said 'fifty dollars.' I walked off, thinking I was a fool for once. His pictures are very good, but fifty dollars is too much for *mine*."

*May 10th.*—"The portrait I mentioned some days ago is completed, and a most detestable-looking thing it is. The consolation I have is that all my *friends* say it is no likeness at all. So much for a disposition to en-

courage the fine arts. . . . The report of the Committee of Thirteen in the Senate has come in. Its fate is very doubtful. Great efforts are being made to defeat it. These efforts come from the Free-Soilers, the Northern Whigs, and the Southern Democrats. The main bill for the admission of California and the creation of governments for Utah and New Mexico, is not so good as I should like it to be. The worst feature of it was put into it by Southern men on the Committee. It is that which restricts the Territorial Legislature from passing any laws respecting African slavery. Now when the rights of the South are in such hands, what can be done? I have pretty much made up my mind to go for it, let it come in what shape it will, so the Proviso is not in it. I shall make a speech defining my position, and asserting that we get nothing by it; that slavery is abolished there, and that without some law passed by the governing power, it is useless to speak of the constitutional rights of the South. But I shall say that in this opinion a majority of the South seem not to concur. There has been ample time for a correct opinion to be formed; and now I am willing for the matter to be tested. I shall not vote for it as a *compromise*, but simply as a measure to quiet the country. The South will get nothing by it. Whether it will pass the Senate or House is now doubtful. A majority of the Cabinet is hostile to it. . . . If the Cabinet is not soon blown up, the Whig party will be worse off than Noah's dove; it will not have a dry spot to rest a foot on. I never saw so unfit a body of men as the present Cabinet, in the same places. I am utterly astonished at them: they have not common sense. Tyler's Cabinet were shrewd men compared to them. But enough. I am almost an outsider, and am beginning to feel but little interest in politics,—I mean party politics. Two years ago I took a strong dislike to Mr. Clay. The truth is, he did wrong and behaved badly; but now I am beginning to think well of him again, and can but exult occasionally as I see his master-spirit triumphant over opposition in the Senate."

*May 18th.*—This being Saturday and a holiday he has taken a stroll, and records his meditations in a letter of sixteen pages. His walk has led him near the jail,—

"The house of criminals, the strong place for the lawless; that doubtful evidence of civilization, where the innocent are often crowded with the guilty. . . . This world's justice is a great farce—no, a dark tragedy. I never see a jail that I do not feel sympathy for all the poor inmates, whether guilty or not; and I never see a poor wretch peeping through the iron grates without thinking that if all mankind who have done nothing worse than he were in similar places, there would be, in all probability, but few at large. These poor wretches who are punished, even when guilty, are only the scapegoats: the great villains are at large."

The letter thus closes:

"A day is very much like a lifetime. Both have their morning, their noon, and their evening. The morning with me was spent in strolling in beautiful grounds, over gravelled walks, amid roses and pansies; the noon in action, exercise, looking for places not found, and hunting for a fountain of lost water that did not exist. And then comes the evening with its meditation and philosophy. After all, if my life shall prove as pleasant on the whole as this day has been, I shall have no cause of complaint. I shall desire no greater blessing than to see the sun of its evening go down as clearly and gently as the sun of this day is now softly and sadly laying his head upon the verge of the western horizon. If this should be my fortunate lot, I shall, without regret, close my career here below, as I do this letter, by saying to the world, as I now say to you, 'Good-by; and may heaven's choicest blessings rest upon you!'"

In June the excitement culminated. On the 15th of that month the extreme Northern members having been asked in debate if they would ever, under any circumstances, vote for the admission of a slave State into the Union, refused to say that they would. Mr. Toombs, who had greatly distinguished himself by his eloquence in debate, exposed the policy of the Free-Soil party, and declared that if the North deprived the South of her rights to a just participation in the common territory, he, for one, would look upon the Government as alien and hostile, and he, for one, would strike for independence. This speech produced the greatest excitement, and the House adjourned without coming to a vote.

In the Senate, on the same day, very nearly similar excitement was felt. Mr. Soulé, of Louisiana, offered the following amendment to that section of Mr. Clay's bill which referred to the Territorial government of Utah:

"And when the said Territory, or any portion of the same, shall be admitted as a State, it shall be received into the Union with or without slavery as their constitution may prescribe at the time of their admission."

"This," says Mr. Stephens,\* "presented to that body the issue squarely, as it had been presented by Mr. Toombs in the House, and covered one of the essential points made by the Southern Whigs. When the Missouri line was thus for the last time voted down in the House,† the South fell

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\* *Constitutional View of the War between the States*, vol. ii. p. 217.

† On the 11th of June, in the House, Mr. Green's motion that the Missouri line should be recognized through all the newly-acquired territory, was rejected by a large majority.

back in almost solid column to their original position. They now maintained that there should be no Congressional restriction of slavery, either north or south of  $36^{\circ} 30'$ . On this principle alone would they now settle. This amendment, therefore, of Mr. Soulé was the turning-point, and upon its adoption everything depended, so far as concerned Mr. Clay's proposed Compromise."

Great anxiety was felt as to the action of several Northern Senators, at the head of whom stood Mr. Webster. In an eloquent speech he declared himself in favor of the amendment. This assured its adoption; and thus the principle of a division of the public domain between the North and South—which really meant that *all* this domain was open to the North, but only a *part* of it to the South—was done away with; the principle of non-interference by Congress established, and the Government brought back to the original and equitable position of the South.

The further history of Mr. Clay's bill, which marks one of the most important epochs in the political career of the country, is succinctly as follows: On the 1st of August the bill passed the Senate, but so modified as to contain only that part providing a government for Utah, with Mr. Soulé's amendment. Thus it went to the House. Then the Senate took the separate parts that had been removed, embodied them in separate bills, passed them and sent them down to the House. The Utah Bill was referred at once to the Committee of the Whole; but on the bill for the settlement of the boundary between Texas and New Mexico, containing an amendment by Mr. Boyd providing a Territorial government for New Mexico (in which the Soulé amendment was embodied), there was a long and fierce debate and a great display of partisan tactics. Finally, on the 6th of September, the bill, with the amendments, was passed by a vote of 108 to 97. The Senate concurred in the House amendments, and the other measures into which Mr. Clay's "Omnibus" bill had been divided, were speedily taken up and passed.

Thus, by the firmness of the Southern members in both Houses of Congress, who had made up their minds that they would not remain in the Union unless the South were admitted to equal rights in the common domain,—if not by an equitable

division, then by the removal of all Congressional restrictions on slavery in the Territories,—this great principle was established. “The Compromise,” says Mr. Stephens, “was an agreement on the part of the slaveholding States to continue in the Union, in consideration of these renewed pledges on the part of the non-slaveholding States, through their members and Senators, to abide by the Constitution.” The South had yet to learn that these renewed pledges were no more to be regarded than the old ones.

During the Speakership of Mr. Cobb, at Mr. Stephens’s suggestion, a change was made in the mode of reckoning the Congressional and political year, which then began at midnight on March 3d, but was changed to begin at noon on March 4th.

In the month of June there are no letters, Linton being with him. The first we find of interest bears date July 10th, and gives an account of the President’s death. It closes:

“Thus has passed away General Taylor. I had for him a high respect and sincere regard. I was mortified almost to death at the folly of his Cabinet; but General Taylor was an honest, well-meaning, patriotic man, and if he had obeyed his own impulses instead of being governed by the foolish counsels of his Cabinet, his Administration, if he had lived, would have been eminently pacific and successful. As it was, with such as he had about him, it is perhaps best for him that Providence has removed him. He is fortunate in his death.”

The debate on the Territorial Bill, and the distribution of the votes both for and against it among the Democrats and Whigs, showed clearly that old party-lines were loosening, and that the time for a reorganization of parties had come. Mr. Clay and other leaders on both sides signed and published a paper, drawn up by Mr. Stephens, declaring their intention of supporting no candidate for office who would not support the principles now established. In Georgia, in December, a State convention was held, in which a series of resolutions was passed, which were afterwards known as “the Georgia Platform,” and the party upholding them as the Constitutional Union Party. The principles of the Compromise measures were affirmed by both the Whig and Democratic Conventions, held in Baltimore in 1852, and met with the approval of the great majority of the people



in both sections and of both great parties; and to his hearty approval of them the triumphant election of Mr. Pierce in 1852 was largely due.

We append the Georgia Resolutions:

“GEORGIA RESOLUTIONS OF 1850.

“To the end that the position of this State may be clearly apprehended by her confederates of the South and of the North, and that she may be blameless of all future consequences,

*“Be it Resolved by the People of Georgia in Convention assembled,*

*First.* “That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate. That past associations, present fruition, and future prospects will bind us to it so long as it continues to be the safeguard of those rights and principles.

*Second.* “That if the thirteen original parties to the compact, bordering the Atlantic in a narrow belt, while their separate interests were in embryo, their peculiar tendencies scarcely developed, their Revolutionary trials and triumphs still green in memory, found union impossible without compromise, the thirty-one of this day may well yield somewhat in the conflict of opinion and policy, to preserve that Union which has extended the sway of republican government over a vast wilderness to another ocean, and proportionally advanced their civilization and national greatness.

*Third.* “That in this spirit the State of Georgia has maturely considered the action of Congress, embracing a series of measures for the admission of California into the Union, the organization of Territorial governments for Utah and New Mexico, the establishment of a boundary between the latter and the State of Texas, the suppression of the slave-trade in the District of Columbia, and the extradition of fugitive slaves, and (connected with them) the rejection of propositions to exclude slavery from the Mexican Territories, and to abolish it in the District of Columbia; and, while she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

*Fourth.* “That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to the disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slaveholders thereof; or any act abolishing slavery in places within the slaveholding States, purchased by the United States for the erection of forts, magazines, arsenals, dockyards, navy-yards, and other like purposes; or any act suppressing the slave-trade between slaveholding States; or any refusal to admit as a State any Territory applying, because of the existence of slavery therein; or any act prohibiting the introduction of slaves into the Territories of Utah and New Mexico; or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

*Fifth.* "That it is the deliberate opinion of this Convention that upon the faithful execution of the Fugitive Slave Bill by the proper authorities depends the preservation of our much-loved Union."

There are only four or five more letters of this year. In Charleston Mr. Stephens heard Jenny Lind sing, and says in several letters that he would like to give Linton some idea of the impression her singing made upon him. This he never quite does; but by the references to it, the impression would seem to have been remarkable. He is not himself much of a musician, though he can turn an old-fashioned tune not unmelodiously, especially before breakfast; and the voice of the "Swedish nightingale" seems to have given glimpses into a world of harmony heretofore undreamed of, and for which he can find no adequate expression.

## CHAPTER XXV.

Rio, the Dog—The Secret of Mr. Stephens's Life—The Campaign of 1851—  
Re-election to the House—Disappointed Curiosity—An Anecdote.

ABOUT this time we notice in the letters mention of a member of Mr. Stephens's household who can never be overlooked by his biographer. Some time before this he had received as a present a very large and fine white poodle, named Rio, a dog of unusual intelligence and affection, to whom he became very strongly attached. While Mr. Stephens was in Washington, Rio stayed with Linton at Sparta until his master returned. Mr. Stephens would usually come on during the session of Greene County court, where Linton would meet him, having Rio with him in his buggy, and the dog would then return with his master. When this had happened once or twice, the dog learned to expect him on these occasions. The cars usually arrived at about nine o'clock at night. During the evening Rio would be extremely restless, and at the first sound of the approaching train he would rush from the hotel to the depot, and in a few seconds would know whether his master was on the train or not, for he would search for him through all the cars. He was well known to the conductors, and if the train happened to start before Rio had finished his search, they would stop to let him get out. But when his search was successful, his raptures of joy at seeing his master again were really affecting. His intelligence was so great that he seemed to understand whatever was said to him; at a word he would shut a door as gently as a careful servant might have done, or would bring a cane, hat, or umbrella. He always slept in his master's room, which he scarcely left during Mr. Stephens's attacks of illness. In a word, Mr. Stephens found in him a companion of almost human intelligence, and of unbounded affection and fidelity, and the tie between the man and the dog was strong and enduring. In

one of the first letters of the new year (1851), Mr. Stephens mentions a dream he has had about Rio, and expresses a fear that some harm may have befallen him.

*January 23d.*—He has dined at the President's, with a very agreeable party.

"I was the first to leave, and as I came to where the hats and cloaks were, the Irish Paddy whom you know, the porter, said to me, with all the nonchalance imaginable, as he waved his hand toward the hats and cloaks, 'Well, I think you can get a purty good one to-night.' . . . Oh that I were with you and Rio! I fear you do not feed Rio well enough. . . . I would not give one week at home,—no, not one night with you and Rio, for all the pleasures I enjoy here in a month."

*February 3d.*—A letter from Linton has referred to some business matters, which, though not very momentous, have annoyed him considerably. After discussing these, he continues:

"After reading your letter I relapsed more profoundly into a musing mood in which I was indulging when it was handed me, and to break that spell is the only object I have in writing. Thought often settles upon me like a nightmare, and as in the case of nightmare, action is necessary to break it, so in troubles and mental anxieties I have often found relief in nothing but action of some sort. This world is a strange place, and man's life is but a dreamy pilgrimage through an inhospitable clime. His path is over mountains and in deep and dark valleys, through bogs and morasses, beset on all sides not only by brambles and thorns, but by gnats, flies, mosquitoes, stinging insects, and venomous reptiles. Occasionally he comes to an open space where the light of heaven seems to smile with benignant rays upon the prospect around him, and where he may pluck a violet or a rose. But ere the flower withers in his hands, the summons of destiny bids him onward to encounter new dangers and new annoyances.

"Sometimes I have thought that of all men I was most miserable; that I was especially doomed to misfortune, to melancholy, to grief; that my pathway of life not only led over the same mountains, heaths, and deserts with others, but that an evil genius was my inseparable companion, following at my side, forever mocking and grinning, and making those places which in the lives of others are most pleasant, to me most miserable. If on the way I—but no, it is useless. The misery, the deep agony of spirit I have suffered, no mortal knows nor ever will. The torture of body is severe; I have had my share of that,—rheumatism, neuralgia, headache, toothache, fever, and most maladies flesh is heir to. But all these are slight when compared with the pangs of an offended or wounded spirit. The heart alone knoweth its own sorrow. I have borne it these many years. I have borne it all my life. . . .

"I am tempted to tell you a secret. It is the secret of my life. I have never told it to any one. But I will tell it to you, and I fear you will not believe it. But it is true; and if you never suspected it, that shows how true I have been to myself in keeping it.

"The secret of my life has been—*revenge reversed*. That is, to rise superior to the neglect or contumely of the mean of mankind, by doing them good instead of harm. A determination to war even against fate; to meet the world in all its forces; to master evil with good, and to leave no foe standing in my rear. My greatest courage has been drawn from my deepest despair; and the greatest efforts of my life have been the fruits of a determination, a firm resolve, excited by so slight a thing as a look. This feeling, this principle,—call it what you will,—is the mainspring of my action. When I have looked upon the world and seen it filled with knaves and fools, and have seen in the whole waste not one well of water from which I could draw a drop to slake my thirsting, parched soul, with all hopes blighted; when I have been ready to lie down and die under the weight of that grief which is greater than all other griefs,—

‘A young heart desolate  
In the wide world,’—

I have often had my whole soul instantly aroused with the fury of a lion and the ambition of a Cæsar by, I repeat, as slight a thing as a look! What have I not suffered from a look! what have I not suffered from the tone of a remark, from a sense of neglect, from a supposed injury,—an intended injury! But every such pang was the friction that brought out the latent fires. My spirit of warring against the world, however, never had in it anything of a desire to *crush* or *trample*; no, only a desire to get above them, to excel them, to enjoy the gratification of seeing them feel that they were wrong; to compel their admiration. . . . This is the extent of my ambition; this the length, breadth, and depth of my revenge. It has in it nothing low or mean, for it is to triumph over the base that it stimulates me to action. To be really *sweet* it must be essentially pure,—pure in principle, and pure in exertion.

"But what poor consolation is this! What short-lived pleasures attend victory thus attained! Sometimes my evil genius, like Job's comforters, *jeers* and *taunts* my human kindness, casts scorn upon my good nature, bids me turn cynic and man-hater,—an Ishmaelite,—bids me raise my hand against every man as every man's hand is raised against me. Oh, the fiendish genius of the tempting imp! I shall take none of his counsels.

"Now you may think that I am somewhat moody to-night, to be indulging in such a strain. No; not more than usual. It is true, I was musing when I got your letter, thinking over many things that have annoyed and pained me excessively,—small things, it is true; but things that sent their sting to the soul,—to the very quick of life,—and your letter added some fuel to the flame. But still I am not in what I sometimes call a melancholy mood."

The reader, remembering the trust and confidence that had been placed by his fellow-citizens in Mr. Stephens, shown by their placing him in high public office, and remembering also that he was in a position where he could give full scope to all his powers, and exercise no small influence on the destinies of the country, will consider such utterances as these as the mere moodiness of hypochondria. That they are so in part cannot be denied; but, as he says, no one knows or can know *all* that he has suffered. There is one surviving friend to whom he has confided more of his inner life than to any other, and he has been filled with sympathy at the revelation of strange sufferings, and with admiration at the fortitude with which they were endured. Endured and concealed; for at this time it was only to his beloved brother that he lifted up even a corner of the veil.

In the summer of 1869, while in conversation with his friend, he alluded to this letter, and criticised the use of the phrase "revenge reversed." "It was not," he said, "the right word; but I could not find a better."

At the close of the session Mr. Stephens returned to Georgia, where he spent the rest of the year. In the summer the political campaign, in the Southern States, opened on the action of Congress in regard to the Territories. The leading men of South Carolina, generally, and many of those of other States, favored secession from the Union. Mr. Stephens, and most of the leading men of his State, advised against separation, and this, with his views on the subject of the admission of California, drew upon him much hostility in South Carolina. His course in this matter was determined, not by any doubt of the right, but by a conviction of the inexpediency of its exercise. He had intimately studied the characters of the leading Southern statesmen, and he feared there was not a sufficient weight of steadfast unselfish patriotism and personal virtue to carry through such a movement successfully. He foresaw that secession meant war, and a war that would demand patriotism of a lofty, pure, and enduring character to conduct it successfully, as well as a unanimity in sentiment and policy such as could scarcely be hoped for. And he still cherished the hope that wiser counsels might prevail; that the North would render, if not complete justice to

the South, at least such partial justice as would render a continuation in the Union preferable to separation. One of his present biographers has heard him say that if his whole section in 1851 had been unanimous in feeling, and he had felt any assurance that among the men who would have been the leaders of a new confederation were to be found the requisite patriotism, virtue, and statesmanship to carry the new body politic through all the perils and trials that would attend its birth, he would have counselled such resistance as would either have secured equality under the Constitution or have ended in disruption. As it was, he opposed the policy of secession, and in conjunction with Mr. Toombs and Howell Cobb easily carried the State. The Constitutional Union party was formed, on the platform of the Georgia Resolutions of 1850, and Mr. Cobb was elected Governor by a heavy majority. Mr. Stephens was re-elected to the House, and went on to Washington at the opening of the session in December.

There are but few letters during this year. On October 26th we find a very long one written from Lagrange. In it he tells an anecdote related by a Mr. William Campbell, at whose house at Atlanta Mr. Stephens spent an evening. He had been travelling on the cars a day or two before, and this was what happened :

"William said that a man got off the cars at — and ran out on the platform, and cried out, 'Aleck Stephens is on the cars!' whereupon a number of persons came out and gazed about, and looked in. One old man came up and asked him if he knew me. Will said 'yes.' 'Is he on the cars?' 'Yes.' 'Where is he? I want to see him,' said the old man. 'If you want to see him you must be in a hurry, for the cars will start in a moment.' 'Oh, I just want to look at him; I never saw him; point him out to me; that will do.' William then led him forward to the baggage-car, where I was sitting smoking, looking out on the other side. 'That is he,' said William. The old man raised his hands, exclaiming, 'Good Lord!' William told us of several other similar scenes on the road the same day, how persons got him to point me out. But they all laughed heartily at the exclamation of the old man, so great was his disappointment.

"I added to their glee by telling them that the old fellow was like a man I met in Cherokee in 1843, who came up to me after I had spoken, and said, 'Well, if I had been put in the road to shoot a smart man, you would have passed safe, sure!' At this—which was strictly true—they all laughed more heartily, I believe, than at William's story. For they then seemed to laugh with a liberty,—I had given them a license to laugh."

## CHAPTER XXVI.

Louis Kossuth—Speech in Baltimore—Marriage of Linton—Demoralization of the Whig Party—A Card—A Vote for a Dead Candidate—Address at Emory College—Reminiscences of Childhood—A Sad Year—The Galphin Claim—Mr. Stephens's Speech on the Bill to Prevent Frauds—Severe Accident to Mr. Stephens—Sickness—Two Humble Friends.

WE have but few letters for the year 1852. The earliest, dated January 4th, contains allusions to the arrival of the Hungarian orator Kossuth, whose eloquent appeals in behalf of Hungary excited an extravagant and inconsiderate enthusiasm in the public, which Mr. Stephens feared might influence Congress to take some step that would compromise our foreign relations. There was a contest for two or three days in Congress over a resolution tendering him a complimentary reception in the House, the majority trying to suspend the Rules in order to pass it; but this was successfully resisted by the minority, of whom Mr. Stephens was one.

Being invited to deliver an address to the people of Baltimore on Washington's Birthday, he took occasion to warn the public that in their generous sympathy for a foreign people they must not forget the principles of justice and sound policy. After showing the relations which the States bore to each other in the Union, what that Union was, and the advantages which had flowed and would still flow from it if the Constitution were faithfully observed and its essential principles kept ever in view, he then warned them of the perils which would attend any interference with foreign politics, or entangling alliances with foreign nations, and solemnly enforced his warnings with the wise words of Washington.

"For the honor of Americans," he continues, "be it spoken that the first attempt to arraign the wisdom of Washington on this question of our



foreign policy was made by a foreigner. Would that I could say that no American had yielded to the 'insidious wiles of his influence'! But the virus has taken effect; it is spreading through the land; and we now hear it openly proclaimed in many places that it is time for us to assume our position among the nations of the earth; that it is time we had a foreign policy. What does this language mean? Is it intended by those who use it to convey the idea that we have gone on for upward of sixty years in a career of prosperity never before equalled without any foreign policy? Was not the rule laid down by Washington, and acted on by every President from his day to this, a *policy*? It *was* a policy. It was and is the policy of attending to our own business and letting other nations alone. It was and is the policy, the time-honored policy, of non-intervention. It may not be a foreign policy, but it is a *Washington* policy; by an observance of which we have come to be what we are,—one of the first nations of the earth. Are we to be told that it is *now* time for us to assume a place among the powers of the world? Did not our forefathers do that when they compelled Great Britain, in 1783, to acknowledge our sovereignty and independence? Had we no position among the great nations when France sought our alliance in 1795 and 1796, which overture was rejected? Had we no position in 1812, when we again met in combat our old enemy, and the most formidable foe in the world? Had we no position when British fleets were driven from our seas, and her invading armies were cut down and beaten back from our shores? Were the heroic deeds of our naval officers, to whose memory a marble monument has been erected on the Capitol grounds, performed before we had sufficient power to be felt? Was the gallant and daring defence of your own city, which you have put in monumental remembrance on your own public square, all done without a *foreign policy*, and before we were enabled to take a place among the nations of the earth? Be not deceived, my fellow-countrymen: we have had a policy from the beginning. It is a good policy; it has worked well. Let us adhere to it.'

On the 2d of February, Linton Stephens married Mrs. Emmeline Bell, daughter of James Thomas, Esq., of Hancock County. Alexander paid the newly-married couple a visit early in May. After this there is a slight, a very slight, yet sensible difference in the tone of the letters. The marriage was a judicious and happy one, and had his entire approval, yet he could not but feel that there was a change in their relations. Linton was, now as always, the first and the only one to him, but he was not now the first to Linton. He does not now unbosom himself with the former unreservedness: he writes about history, literature, and general topics. In his letter of May 13th he goes into a long argument about the letters of *Junius*, in which he disputes

the Franciscan theory.\* In another of the same month he dwells on the practice of the law. He says, among other things, "I consider that almost any just case may be gained by masterly management. Always when I lose a case I *feel* that I failed in some point that I ought to have been better prepared on. Hence I always think a great deal about my lost cases. I brood over them as Hannibal may have brooded over his worst defeats."

The summer and fall of this year he spent at home. He took but little interest in the Presidential election. We have seen that he had never been in thorough accord with the Whig party, but had generally acted with it simply because he preferred its policy, on the whole, to that of the Democrats. The Slavery question had now entirely demoralized the Northern Whig party, and he had not enough confidence in the Democratic party to unite with them. Between Pierce and Scott, therefore, he had but little choice. A card was published in Washington, on July 3d, drawn up by Mr. Stephens, and bearing the signatures of a number of leading Southern Whigs, giving their reasons for not supporting General Scott. Daniel Webster was the man of his choice, and though he died before the election, many of his admirers, including Mr. Stephens, voted, after his death, the electoral ticket bearing his name, in the spirit in which the garrison of Châteaufort laid the keys of their stronghold upon the coffin of Bertrand du Guesclin.

On July 21st he delivered by invitation an address before the literary societies of Emory College, Georgia, in which he set forth the principles which should guide young men in their career through life, and especially in their struggles for distinction and success. This speech won him new honors in an entirely new field.

As usual, he marks the last day of the year by a letter,—a melancholy one, full of sad memories.

*December 31st.*— . . . "How time flies, and how the years pass by us! I well remember the first letter I ever wrote. It was in 1826. It was, I

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\* This view he afterwards elaborated in, an Address before the Literary Societies of the University of Georgia, on August 4th, 1873, and subsequently in the *International Review* of September-October, 1877.

think, the second Sunday after I went to my new home upon the breaking-up of our little family-circle on the death of father and ma. Its date therefore, I think, was May 28th, 1826. The letter was written to Uncle James Stephens, of Pennsylvania, giving him an account of our affliction. The day and its incidents I shall never forget. Uncle Aaron had gone to meeting. . . . Brother Aaron Grier and I were both writing letters. The day was clear, calm, and warm. We had a table in the middle of the big room. It was some time before we could get a pen a-piece. I need not tell you that at that time no such thing as a pen of any kind but a goose-quill was ever heard of, in those parts, at least. Our inkstand was a little leather-covered phial that Uncle Aaron used to take with him when he went from home: in this phial was some cotton that held the ink; and the pen was filled by pressing it against the saturated cotton. . . . I wish I could see that letter now. I was all day at it. When Uncle Aaron came home, he looked over both letters and made some corrections, and then we had them to write over again. . . . This was my first letter. It was the utterance of the bitterest grief. As children come into the world crying, so my first effort of speech through the medium of writing was to make known by such signs as I could command the almost unutterable emotions of a wounded spirit. The body is better off in this respect than the soul: the body can weep and cry; its pains have a natural outlet. But the afflicted soul has no voice; it cannot cry: it has no tears; it cannot weep. This I have often felt, but never so keenly and oppressively as at the death of father. Could my suffering spirit then have given one *shriek*, it seemed to me that it would have afforded some relief. . . . But there are no words that can convey any idea of the agonies with which I was tortured. . . . But where am I wandering to? When I began this epistle I had no idea of saying all this about my first letter.

"But an old year never goes out without receiving from me a melancholy farewell. I am in the mood of mind to-day well suited for such a leave-taking. I am confined to my room, half sick, and lonely. I am sitting up, but feel weak and giddy, and should fall or faint if I were to attempt to walk or stand long."

All the letters of this year are characterized by this tone of sadness. Perhaps he would not have acknowledged it to himself, but we can see that his brother's marriage has had its inevitable effect upon him. It was a happy marriage; he approved it, was glad of it for his brother's sake, sent cordial messages of affection to the new-married pair; yet his loneliness has been made the deeper by it; his life, unblest in so many ways, has had an added shade of sadness. The one nearest and dearest to him has chosen a nearer and dearer, and to some extent is lost to him; and though he knows not why it is, we can understand

why his memory went back to that early and first loss of his nearest and dearest twenty-six years before.

A matter which excited considerable interest at this time was the "Galphin claim," to which some allusion has already been made, and in the debates on which, in the House, Mr. Stephens took a leading part. It is now well-nigh forgotten, but the facts, in brief, were these :

In 1773 the Cherokee Indians in the colony of Georgia, finding themselves in debt, made a treaty, by which they agreed to cede two million five hundred thousand acres of land to the Crown of Great Britain, for which the Crown was to assume and satisfy the debt. One of the creditors was George Galphin, whose claim, to the amount of £9791 15s. 5d., was certified by the commissioners in 1775. The Revolution then broke out, and the State of Georgia took possession of the lands and gave them as a bounty to soldiers. In 1780 the State passed an act binding herself to pay all those Indian claimants who had been true to their country in the war the full amount awarded by the commissioners, with interest at six per cent. per annum. Galphin's patriotism was not denied ; but for want of money the debt, though several times brought before the Legislature by his son, was not paid.

Now in 1790, the Federal Government passed an act assuming the indebtedness which each State had incurred for purposes of defence during the War of Independence, and Georgia finally referred the claim of Galphin to the Federal Legislature. Many delays occurred in the various stages of legislation ; but, in 1847, a committee of the Senate reported that the claim was just, and the bill authorizing its payment passed that body. In the next year it passed the House: the principal was paid at once, and the interest, a much larger sum, was settled some time after. For political purposes reports were spread about that this claim was a gigantic swindle, that persons high in office were parties to it ; and for a while the cry of "Galphinism," as indicating any monstrous and disgraceful fraud upon the Treasury, had considerable effect. In particular, some plausibility was given to the charge by the fact that Mr. Crawford, at the time Secretary of War, received a large sum from this claim. But his perfectly

legitimate interest in the matter long antedated his secretaryship; the claim was not adjusted in his department; and it was allowed by the Attorney-General and paid by the Secretary of the Treasury without either of them knowing that Mr. Crawford had an interest in it. Mr. Stephens, in his speech of January 13th, 1853, on the Bill to prevent Frauds on the Treasury of the United States, set the whole transaction in its true light, after which no more was heard of Galphinism.

The following extract will show the spirit of this speech :

"I am here to resist all party clamor that may be brought against this claim. What I have said, I have stated for the House and the country. The facts, as I have stated, are uncontroverted in the past, and will remain incontrovertible for all time to come; and I defy their controversion here or anywhere.

"I suppose that many of these expressions, such as 'Galphinism,' are engendered by party heat, emanate from partisan feeling, and are used without any distinct idea of what is meant by them. But I say that the character of every man should be defended by those who love truth and justice. The character of the humblest, alike with the character of the highest, shall, at all times, receive defence from me when I can defend it. I care not if the name of the wrongful accusers is Legion, I will face them all, if necessary. I do not care to join with the shouting multitude merely because they are strong in numbers. I do not fancy the taste of those who play upon expressions because they catch the popular cant or whim of the day. It is an easy matter to pander to the passions or prejudices of the uninformed.

"Sir, this is the *facilis descensus Averni*, the downward road of the demagogue. It is easy to travel it, and, to some, it seems to be a pleasant jaunt; but to vindicate the truth, to stand up for the right against the minority, *hoc opus, hic labor est*. I shall do it, or attempt to do it, sir, though I be a minority of one."

Linton, after his marriage, removed to Sparta. We find Alexander writing to him in May from Crawfordville :

"If it were not for you, it seems that this wide world would be a perfect desert to me. Among the millions who inhabit it, no other congenial spirit is found with whom I can hold full communion of thought. . . . Perhaps you may think I am low-spirited. Perhaps it is so. Have I not enough to make me so? But I assure you that I do not feel depressed. I have an elasticity of soul which seems to bear me up even in the midst of the greatest troubles of mind and body."

On the 9th of June of this year (1853) Mr. Stephens met

with a very severe accident, which came near being a fatal one. He was on his way to Macon, when the train by which he was travelling was thrown from the track and wrecked. His right shoulder blade was broken, his left elbow crushed, and his head very badly cut, so that for a while it was thought that his skull had been fractured. This injury kept him in the house all the summer.

On July 6th, after disquisitions on the weather in his letter to Linton, we have some talk about his dog Rio, to whom he seems to turn, in his solitude, for companionship.

"In all my strolls from one room to another I have a constant companion,—it is none other than Rio. The dog never stuck so close to me in his life. He sleeps at my feet in the day, and at night, before I go upstairs to bed. Last week when it was so hot, he got into a way of starting with me, but when I mounted the first step of the stairs he would throw himself at the foot of it with a grunt, and remain there for an hour or so, and then come up and see that I was in bed, when he would return to the cool place. During the night he would repeat his visit several times. He seemed to think that by his sleeping at the foot of the steps I could not get out without his knowing it. . . . But, notwithstanding many praiseworthy traits, he has a good deal of the dog about him. To-day he deliberately took a bone away from Edmund's dog, Watch, and ate it up. That, I thought, was a downright doggish trick. I tried to make him feel mean about it; but he did not seem to comprehend me at all."

We find several letters written during the summer and fall; but none of special interest. He took an active part in the canvass for Governor. The Constitutional Union movement of 1850, of which he had been the leader, lasted but two years, and in 1853 the Whigs and Democrats relapsed into their old antagonism. Mr. Jenkins\* came forward, however, as the candidate of this party, and with Mr. Stephens, Mr. Toombs, and others tried to keep up the organization. But the Democrats, with Herschel V. Johnson as their candidate for Governor, fell back upon their old platform. The contest was warm and close, resulting in the election of Mr. Johnson by a majority of about five hundred votes. Mr. Stephens had been very anxious that the old party issues

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\* Hon. Charles J. Jenkins, afterwards Judge of the Supreme Court and Governor.

should be abandoned, and that Southern men should stand united upon the Georgia platform of 1853; and when the union formed upon this basis showed so little cohesion and permanence, he lost still more of the little confidence he had in the ability of the South to hold her own amid the perils and trials that were gathering thickly and in many forms about her.

In the fall of this year he had a very severe attack of illness, resembling in its symptoms that of 1842, and like that it resulted in an abscess of the liver, which discharged itself through the lungs. Although relief followed, the prostration resulting was so great that he was not able to leave his room during all the latter part of 1853 and January, 1854.

On December 22d he writes from Washington:

"I have been very sick since I wrote to you last. That night—Monday—I was taken with high fever, ending in an attack which I call colic. Tuesday I suffered greatly, but got easy about three o'clock. Last night I had a return of high, burning fever, which lasted all night, and is not off now, at two P.M. My pulse is 100. I am taking quinine, and am sitting up, though perhaps I ought to be in bed, but I have some letters that I must answer. When I shall write to you again I do not know. I am now getting too sick to proceed. I will keep you advised of my condition by others, if I cannot write myself. I am going to have a serious attack, I feel assured of that. Withal, my lungs are badly affected, though I think only sympathetically."

The 24th he feels somewhat better, and writes more cheerfully; and on Christmas, which is Sunday, writes again:

"A bright, joyous-looking day without. I am sitting up a little to have my bed made, while enjoying the cheerful light from my window. How delicious is pure light! It falls upon the senses like pure water upon the body. It invigorates and vivifies. I don't wonder at Milton's apostrophe to light."

After mentioning the gravity of his symptoms, and particularly the exhausting effects of night-sweats, he adds:

"There is one thing, however, that I wish to impress upon you, and that is an earnest desire that you shall not permit yourself to become uneasy on my account, or suppose that I suffer from any apprehension. I had more uneasiness when I felt the first touch of the disease than now. I have grown used to confinement, used to my room, feel no restlessness to be out, and am prepared to get along in the best way I can, without

any heavy care about it. 'Patience is a great virtue,' some one has said. If this be true, I have at least one great virtue."

On the 28th he writes that he feels better. Has had two letters from Linton, in which mention is made of a Christmas visit paid to the latter by his brother's servant Bob, with his wife and children. In the answer he says much about Bob, part of which we extract to show the relations that subsisted between him and his servants, and his consideration for them.

"And poor Bob! he went over in the sleet and snow with his wife and little ones. I fear the exposure will make some of them sick. By the way, Bob was not obnoxious to your apprehension that he had made too free with the mules and buggy. He had my permission to make you the visit, before I left. It was a darling visit to Bob. It had been near his heart all summer. I suspect he enjoyed it right well, if the simple-hearted, good-natured fellow did not get drunk!

"Bob, with all his faults, has many excellent traits of character, and some substantial virtues. He is honest, faithful, and truthful. Just before I left home, he came up to town on Sunday, and stayed with me all day. I was sitting in the front parlor alone, reading, when he came and sat on the steps. He began to talk in a very serious mood about my leaving home. I turned the subject to a religious talk. I asked him if he ever thought what would become of him if he should die. He said yes: that subject occupied more of his mind every day than all other things put together. I asked him if he ever prayed. He said he tried to pray. . . . Towards sundown I walked down to the back lot to take some exercise, and Bob went with me. He, Rio, and I were the trio. We looked at some young pigs, then walked through the apple-orchard, peach-orchard, and potato-patch, back to the house, Bob still talking and forgetting to go home. But about sundown he rose with, 'Well, this won't do for me; I must be gwine. Good-by, Mass' Ellick.' This ended the last evening I ever had the pleasure of spending with Bob."



## CHAPTER XXVII.

New Tactics of the Agitators—The Personal Liberty Bills—The Pledges of 1850 to be broken—Speech of February 17th—The Nebraska Bill—The Kansas War—Death of Mrs. Ray—A Georgia Corn-Shucking—A Visit from "Uncle Ben"—Speech of December 14th—Christmas-Eve—The Know-Nothing Party.

THE quietude produced by the Compromise of 1850 was, as might have been expected with such political elements in the country, of no long endurance. The party of agitation, to whom the abolition movement was not an end, but a means to gain their political objects, were not likely to forego the most powerful instrument in their reach for fostering that dissension upon which all their schemes depended. They simply changed their tactics and their point of attack. As for the time being they could effect nothing in Congress, they turned their efforts to inflame the popular mind and influence the local elections. The point they selected for their operation was the Fugitive Slave Law, a provision for the return of fugitives from service who had escaped into other States.

In their agitation on this subject they were not only so successful as to make the capture and return of a fugitive almost impossible, the attempt, though made by the United States marshal, being almost invariably resisted by a mob, but they induced several of the Northern States to go much further in the path of nullification than South Carolina had gone, whose Ordinance had never been put into execution. These States passed acts, called Personal Liberty Bills, which rendered void the act of Congress within their limits, by interposing the action of the State courts. The decision by the Supreme Court of the United States that the act was constitutional, and that the States were bound to carry it out, was met by denunciations of the court, and of the Constitution, which, in the quasi-religious phraseology which the agitators affected, was called "a covenant with Hell."

The subject came up in Congress again at the end of 1853 and the beginning of 1854. A portion of the land ceded by Louisiana, and not covered by the bills providing for Utah and New Mexico, was now in a condition to demand a Territorial government; and on the 4th of January Mr. Douglas reported a bill in the Senate, providing for the organization of a government for Nebraska, in which he carefully adhered to the principle and language of the Compromise of 1850. This was the signal for a recommencement of the agitation. The agitators, with Mr. Sumner at their head, declared their intention to break through the Compromise of 1850, and renew to this Territory the old Missouri restriction, which they now extolled as a "solemn compact" which had been broken by perfidy; though they themselves, as we have shown, had broken it almost as soon as it was made.

On the 17th of February, while this Nebraska Bill was still pending, Mr. Stephens addressed the House on the subject. He took issue with those who asserted that the Missouri Compromise was a "solemn compact," and showed, moreover, that even if it was a compact, those who were now proclaiming its sacredness were those who broke it. He reviewed the history of the slavery agitation, and the respective positions of the two sections, and of the Whig and Democratic parties, closing with an eloquent appeal in favor of constitutional justice as the only basis on which the happiness, peace, and prosperity of the country could be built up. This speech, one of the most powerful he ever delivered, will be found in the Appendix.\* What renders it more remarkable is the fact that the day before its delivery Mr. Stephens had, for the first time in two months, been able to leave his room, and his appearance, as described by eye-witnesses, was that of an animated corpse with flaming eyes.

On May 9th, Mr. Stephens writes from Washington :

"We took up the Nebraska question yesterday by twenty-one majority, and will take a final vote on it this week. I think it will pass; but the vote will be closer on the final test than it was yesterday. We are on the eve of a great issue with Cuba. England and France have set their heads against the policy of that island toward us. We must and will have it;

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\* Appendix A.

and we cannot permit them to go on with their policy of filling it with Africans."

*May 11th.*—"We have had no vote on Nebraska yet. How long we shall be occupied with preliminary questions I cannot tell; but if I had my way, not one minute. I want to move to strike out the enacting clause, which will cut off amendments. The friends of the bill could carry this motion; then the Committee would rise, the House would disagree to their report and pass the bill under the previous question, if we have the majority. That is my plan of tactics; but I have not yet got the leaders to agree to it. I am getting tired of their vacillating, timid, foolish policy. . . . I am getting chafed in spirit at the thought of following the lead of such men. I am growing insubordinate, and losing my self-respect. If I had not come here, I verily believe that they would not have got the question up——" [The remainder of this letter has been lost.]

*May 23d.*—"Nebraska is through the House,—majority thirteen. Eight Southern men in the negative; all Whigs except Benton. I took the reins in my hand, applied whip and spur, and brought the 'wagon' out at eleven o'clock P.M. Glory enough for one day. I will soon send you some incidents of the fight."

The passage of the Nebraska Bill—which included a provision for the formation of a Territorial government in Kansas also—again changed the tactics of the party of agitation. Framed in accordance with the policy of the Compromise of 1850, it opened these Territories to settlers from all the States, and to their property, without restriction on the subject of slavery; and allowed the settlers to regulate their own affairs, with no other limitations than those prescribed by the Constitution. The agitators began at once to organize "Emigrant Aid Societies" in the North, for the purpose of sending out bands of armed men, not peaceable emigrants, whose object was, not to settle and cultivate the soil, but to get the power into their hands, by violence and intimidation, if necessary. Resistance was offered, of course, and the series of disturbances known as the "Kansas War" followed.

We have no letters now until June 6th. Mr. Stephens has been at home for a few days, and is about returning to Washington.

"Yesterday I spent down on the plantation. I walked all over the old place, 'solitary and alone.' With feelings of deep sadness I surveyed many a spot sacred in memory. . . . Harry will take this on to you to-morrow, and will also take Rio. Poor dog! he has stuck to me this time as close as a brother."

*June 15th.*—He writes from Washington :

“The public news here is of little importance. The Administration is vacillating about Cuba. I do not now believe that they intend to do anything favoring the acquisition, and I doubt if they have the nerve to make the treaty with Dominica. They are not worth shucks.”

In this month he was afflicted by the loss of Mrs. Thomas Ray,—“Cousin Sabra,”—a lady very dear to him, of whom we have had several notices in the account of his early years. She was a woman of very exemplary character, much beloved by the small circle who knew her. Mr. Stephens, who was keenly sensitive to every loss of this kind, mourned her long and deeply. He writes from Crawfordville on July 6th :

“I have not yet been to my plantation. I scarcely know how I can go there. It seems my heart would fail me. The last day I was there I went all over the place,—to the grave-yard, where I spent some time in lonely musing. Little did I then think that another one so dear to me was so soon to be laid away in that quiet repository of the dead.”

Several letters in August refer to the death of his brother's infant daughter, and are full of sympathy and consolation. In the fall the correspondence assumes a more cheerful tone, though he was troubled with an attack of intermittent fever. On October 27th he writes :

. . . “Last night I had a corn-shucking. About thirty or forty negroes assembled, shucked out all the pile, and after that, according to custom, claimed the right of carrying me, the boss, about over the yard and through the house, singing and cutting all sorts of capers. I thought discretion was the better part of valor, and did not resist the ‘toting’ custom. The sport seemed to amuse the negroes very much, and when they had got their hands in with me, they took brother John and John Tilly and carried them both through the rocking and tossing process. This sport, as you may know, is like that which Sancho Pansa fell in with once. They put their victim in a chair, and then swing him to and fro in the air as high as their long arms will permit.”

Rio came upon the scene during these extraordinary proceedings. “Poor fellow, he could not understand it, and was for a fight; but the odds were too great against him.” The frolic closes with a grand supper. These old-time corn-huskings and other harmless merry-makings in which the negroes took

such delight are now things of the past. With their new-found liberty they seem to have lost the faculty of innocent enjoyment. Displaced from a position for which they were especially fitted by nature, they have not yet become adapted to the new order of things, and will probably be, for a generation at least, a grotesque and unhappy solecism in society.

Next month Mr. Stephens, though still sick, went to Columbus to try a case in the court then in session, and was taken much worse. This has been an unfortunate case for him, and this is the third time he has gone to Columbus to try it. The first time the clerk of the court died; the second time the cars ran off the track, as we have seen, and he was badly hurt; and now he is stricken down with the dysentery. Happily, the severity of the attack was not of long duration.

*November 16th.*—Linton has been writing with some indignation of the behavior of a certain preacher, and his brother gives him a caution.

"I beg you not to let such conduct have an evil influence upon your mind. I have been in just such a condition as you describe, and I came near being shipwrecked in religious feeling once by the impertinence of just such a man. . . . Cultivate your religious feelings. Be humble in spirit and look to heaven for guidance. Don't suffer yourself to become cold on this subject. I feel as if I should not live long, and I assure you that the older I get, the greater is my submission to the will of my heavenly Father. The life of a religious man is beautiful to contemplate, and his end is one that angels might envy."

*November 24th.*—"Uncle Ben," an old family negro servant, is paying him a visit.

"I saw Ben at the plantation to-day. He looked sad. He had been all over the old stamping- and hunting-grounds. In vain had he looked for the old persimmon-tree. Perkins (the former owner) had cut it down. Ben cried when he talked about the grave-yard to-day. He said, 'When Missis planted that cedar-tree at the children's graves, she told me if I should live the longest to take care of it; but many has been the year since I saw it. When I went to Upson County it was a little bit of a bush; now it looks like an old tree. Mass' Grier planted the poplar. He just cut a twig and stuck it in the ground, and it grew. Now the tree has grown up, lived out its life, and is dead.' I almost cried to hear Ben talk."

*November 26th.*—Another visit to the plantation with Ben.

. . . "When I got to the grave-yard I found Ben, as Old Mortality, gazing on brother's tombstone trying to read the inscription. We remained about the sacred spot for some time. When we were about starting he said with tears in his eyes and faltering voice that he wanted me to get Mass' John to let him come back and stay on the old place. He wanted to live there the rest of his life, and when he died to be buried with the rest. I answered that I would see about it."

He did see about it, and Uncle Ben had his wish granted.

Mr. Stephens returned to Washington on the 1st of December. On the 4th he writes:

"Congress met to-day. Everything is flat. Nobody cared a cent for the Message or anything else. I don't believe that the tide of popular feeling or popular interest in public affairs ever ran so low as at present in this or any other free country."

His health continues bad, and at times he is confined to his room, but there is no intermission in his letters, for he finds it, he says, "easier to write than not to write."

On the 14th of December he made a speech in the House in answer to Mr. Mace, of Indiana, who had announced the determination of himself and his party to vote for the repeal of the Kansas-Nebraska Bill, on the ground that this measure was condemned by the people, and had given notice of his intention to introduce a bill to prohibit slavery in those Territories. After showing that the local elections throughout the States gave a very different testimony, Mr. Stephens thus meets the allegation that the South had been in the habit of claiming and extorting more than her just rights from the Federal Government:

"But the gentleman says that when Southern men's measures are vetoed, they raise their voices in tones of thunder until they carry them. Sir, I do not believe there ever was a Southern measure vetoed. I do not recollect one. The South has never asked anything from your Government that called for a veto. There is the difference between us. The South asks but few favors from you. It is a class of gentlemen from the North who ask aid from the Government. Why, we never come here in that attitude. Let me ask the gentleman when any measure from the South was ever vetoed? when the South ever asked anything that required the exercise of the veto power?

"But the gentleman said that he admired the South, because 'knowing

their rights, they dared maintain them.' That I take as a compliment. And now, what is his position? Why the South, '*knowing their rights*, and daring to maintain them,' he would have the North rise up and prevent her from getting her known and acknowledged rights! If we know our rights, and they *are* our rights, and we dare maintain them, why ought not the North,—why ought not the gentleman (I will not say the North) to grant us our rights? Have we ever asked anything but what was right? Now I say, with all due respect to the gentleman, that the true position of the South is this: we 'ask nothing but what is right, and we submit to nothing that is wrong.' That is the position that the South has always occupied, as I remember her history.

"Now, sir, upon the subject of internal improvements which the gentleman alluded to, has the South ever asked legislative aid in that particular? I do not speak now sectionally, or against the North; but look at the whole history of our Government. Who is it that is constantly appealing here for legislative aid and legislative patronage? Who ask for fishing bounties? Who ask for protection to navigation? Why, the people of the South, if they were permitted to use or employ foreign vessels in their coast trade, would be greatly benefited thereby. But American shipping must be protected; and who is it that asks that protection, not only upon shipping, but almost everything else? Who is it that wants a duty on coal? Who upon iron? Who upon woollen goods? Who upon shoes, leather, cotton fabrics,—everything? Why, the industrial interests of the North. We of the South, it is true, sometimes grumble and complain; but the great majority of the people of the South have yielded to what they consider in some instances very heavy exactions for the support of Government. But when did we ever come up and ask any aid from the Government of the United States? The constant prayer of the South to you has been to stay your hands. All that we ask of you is,—keep your hands out of our pockets. That is *all* that the South asks, and we do not get even that. It is true, sir, that in my own State we have asked some little favors, but very few. Some years ago we asked that you should take the obstructions out of the mouth of the Savannah River,—not obstructions that nature put there, but that were put there during the Revolutionary War, to keep out a foreign fleet,—put there not by the citizens of the State, but by public authority. It seems to us nothing but right and just that the General Government should remove those obstructions; but we have asked in vain for that. The gentleman says that the Representatives of the North come here and pass River and Harbor Bills, which are vetoed, and the wishes of their constituents are thereby defeated. Well, sir, we have some rivers in the South quite as navigable as those in Indiana; but when did Georgia, or South Carolina, or Virginia, or the South generally, come and ask Congress to clear out those rivers? . . .

"In the State of Georgia we have never asked for any harbor improve-

ments except for the removal of those obstructions at the mouth of the Savannah River; and we never got that, as I have stated. We never asked the General Government to clear out our rivers. But we have a country of hill and valley, and we have to go to market with our products,—for we grow *some* things in Georgia, notwithstanding that, in the opinion of the gentleman from Indiana, we are a heaven-accursed, slavery-doomed land,—we grow some products in Georgia, I say, for market; and how do we get them to market? Do we come here and ask aid of the General Government? No, sir. Why, in my State, we have now upward of a thousand miles of railroad in full operation. How did we obtain it? We took our surplus capital, and with it we bought human labor, human energy, bone and sinew,—we bought the strong arms of our own citizens as well as of foreigners, to come and dig down the hills and fill up the valleys, and lay down the superstructure of our railroads,—we bought the iron, when we could get it, in this country, and we went abroad for it when we could not get it here; and notwithstanding all that, when we brought our iron into this country, we had to pay duty upon it to the General Government. Twenty millions of dollars have been spent in Georgia in constructing highways to our markets. That is the way we got our thousand miles of railroad. So far from coming here and receiving assistance from Government, we have actually had to pay a tax for the privilege of bringing our iron into the country. Georgia has paid not less than a million and a half of dollars as a duty on iron into the treasury for the privilege of building her own works of internal improvement. Now I would ask any candid man—I would ask the gentleman himself—if it is just, not only to tax Georgia for the privilege of constructing her highways, but then to take those very taxes that we have paid to open rivers in Indiana? It does not strike me that it is very just.”

After defending the principle established by the Nebraska Bill, that the people of each State and of each Territory on forming a State constitution should determine for themselves whether they would or would not admit the institution of slavery, he then touches the main question:

“Why is it that gentlemen object so much to the introduction of slavery into Kansas, if the people of that Territory desire it to go there? When I made a speech at the last session upon this subject, I stated that I would vote for the principle of allowing the people of any section of the country to come into the Union and form institutions as they please. This I said when I knew there might be twice as many people there from the North as from the South, and the chances of emigration I knew would greatly preponderate in favor of the North. I am willing, now, to abide by that principle. I have no desire to deprive the people of any State or Territory, in our common country, of the right of adopting such institutions for their



government, when they become States, as they please. It is anti-American, and entirely at war with the spirit of the age, about which we hear so much. I ask why the people of any section of the country should be prevented from adopting the institutions of the South, if they wish them? Socially, morally, or politically, or in any respect of the question, is there any reason for depriving them of that right? Is it for the sake of humanity that gentlemen are not willing for the people of Kansas to assign the African the same condition there that he occupies in the South, if they think it best to do so? Are gentlemen willing to degrade their own race by not permitting them to vote upon matters relating to their own Government, while they are endeavoring to elevate the negro to the standard of the white man? You may degrade the white man, but you cannot raise the negro to the level you purpose. It is impossible. You have to reverse a law of nature first. Men may indulge in philanthropic speculations as much as they please, but here is the great immutable law of nature, and they cannot avoid it. I am not here to argue whether decrees of the Most High are right, wise, and just. There is a difference, a vast difference, established by the Creator between the different races of men. For myself, I believe that He who made all is just, and that He made the white man as He made him, and that He made the negro as He made him—for wise and just purposes. Some vessels are made for honor, and some for dishonor; one star differeth from another star in magnitude as well as brilliancy. I believe, too, that the system of government, as adopted by the South, defining the *status* or relation of these two races, is the best for both of them; and I am prepared to argue that question with the gentleman, here or anywhere. Take the negroes in Indiana, take them in the North generally, and compare their condition with those of the South. Take them in Africa, take them anywhere on the face of the habitable globe; and then take them in the Southern States, and the negro population of the South is better off, better fed, better clothed, better provided for, enjoy more happiness, and a higher civilization, than the same race has ever enjoyed anywhere else on the face of the world. Could Howard the philanthropist, who has left an undying fame for his deeds of humanity, have taken the same number of Africans from their native country and raised them from their barbarous condition to that of the slaves of the South, he would have added much to that statue of immortality which, in his day, he erected to himself. It would have greatly added to that reputation which now sanctifies his memory in the hearts and affections of mankind.'

After comparing the condition of the slaves at the South with that of the free blacks at the North, he continues:

"But some people say that slavery is a curse to the white man. They abandon the idea that it is a curse to the negro. They say it weakens, impoverishes, and demoralizes a State. Let us see. They say there can

be no high social, moral, or material development under the institution of slavery. I have before me some statistics on this point,—statistics relating to material development. But, before alluding to them, I will say, upon the subject of morals, that I saw a table of crimes made out in the census office for 1850. From those statistics it appeared—I speak from memory—that the number of convictions for crimes of every grade in Massachusetts, the ‘land of steady habits,’ and where we hear so much of the immoral effects of slavery, with a population under one million, was several thousand; while in the State of Georgia, with a population about as great, the similar convictions are less than one hundred. I say then, upon the score of crime, upon the score of morals, I am ready to compare my State with Massachusetts, or any one of the free States. ‘Where, then, is the moral curse which arises from slavery?’

He then turns to the question of material development, and refutes the assertion that slavery impoverishes a State by a comparison of the staple products of Georgia and Ohio. Ohio had, by the census, nearly one-third more land under improvement than the State of Georgia, and this land was valued at more than three times the value of the Georgia lands. Her population was more than double that of Georgia. Yet the comparison of products showed that those of Georgia were worth about a quarter of a million dollars more than those of Ohio! This whole speech made a great impression, and led to an animated debate with Mr. Campbell, of Ohio, next year.

We now return to the correspondence.

*December 23d.*—“I have been so pressed with business, and so unwell withal under my pressure, that I have not been able to write you. It seems to me that my labors here increase with my length of service. I am worn down and nearly worn out, and yet I keep up at work until eleven o’clock every night. I believe I never stood so high in public estimation here as I now do, and this is what puts so much business on me. My position on the Ways and Means makes it necessary for me to see a great many persons and look into a great many matters.”

*December 24th.*—The date of this letter warns us to expect the usual gloom, which does not fail to find expression.

“It is Sunday and Christmas-eve. I am not exactly alone, but lonely in feeling. About me I have company in abundance, but my mind wanders to persons and scenes far distant. The closing year always fills me with sadness. At least it has done so ever since our family was dispersed, when I was but a boy. Before that painful crisis in my life Christmas was

a joyous time. Its coming was looked to for weeks as a period of jubilee. Never has it been so with me since I left the old homestead and fireside lighted up with a father's smile. To-day, I know not why, I feel particularly melancholy on the return of that season which to all others is usually the season of festivity. Perhaps the dreariness of the day adds some weight to the depression of my spirits. At any rate, so it is; the very signals of joy that others are firing sound in my ears like minute-guns at sea.

"Shall I ever see another Christmas-eve? Why should I wish it? Life to me is desolate. For what object should I wish to live? As to myself, I assure you I have none. Yet to the world I am by no means misanthropic, while there are cords which bind me to a few as tender as the very nerves of life. But what can my longer stay on this theatre do for them? Will it not be, if such a future is in store for me, but a prolongation of painful anxiety and miserable solicitude for their welfare, without any ability to shape, much less to control, their destiny? These you may look upon as gloomy reflections. They are. I am utterly enveloped in gloom. Shadows surround me and thick darkness seems coming over me. My life is burdened with the discharge of duties heavy and onerous. Among these duties none oppress me more than the ordinary civilities and courtesies of life. I mean the entertainment of those whom I meet, so as to render them as happy as I can without making known to them by word or look the 'aching void' within. This I consider a duty, but it requires a great effort to perform it. It is a legitimate tax to society which every member ought to pay. . . . It is often a matter of thought and reflection to me, when friends have left my room whom I have kept in a roar of laughter, how little do they know of the miserableness of one who appeared to be in such spirits. Then comes the self-inquiry, Am I indeed a hypocrite?—of all characters to me the most detestable. I think not. A man is under no more obligation to expose his griefs than to exhibit his bruises and sores. These should be shown to only the trusted few who have access to the inner shrine of his heart. To this shrine, with me, but one living being upon earth was ever admitted, and that one is yourself. If I had not *one* at least with whom I thus could communicate, it appears to me that life would become intolerable. Do you ask, then, why I am thus miserable? It is because I meet with little sympathy from the world. Even the praise of those who approve, from whatever motive given, is often, indeed most frequently offered, in a manner which is gall and wormwood to me. My life has been a warfare from the beginning. My strife has been with fate. The contest began in the cradle and will end only in the grave. Weak and sickly, I was sent into the world with a constitution barely able to sustain the vital functions. Health I have never known and do not expect to know. But this I could bear: pain I can endure; I am used to it. Physical sufferings are not the worst ills I am heir to. I find no unison of feelings, tastes, and sentiments with the world. . . . I feel myself to be

alone; and feel that my habitation should be in solitude. But do not think that I cower before fate. No; to my destiny I bow, submissively bow to that which is beyond my control. I yield to nothing else. And even in solitude I feel that spirit within me which would enable me, so far from sinking into despair, to drink to the very dregs the bitterest cup that time can measure out, and looking up, ask for more."

Other letters refer to the Know-Nothing party, then just coming into notice. Not being informed of their policy, he suspends his judgment about them, except that he is opposed to all secret organizations in a Republic, "where," he says, "every man ought to have his principles written on his forehead."

*December 31st.*—A letter in the usual style for this season. He digresses, however, into politics a little.

"Public sentiment in this country is in a transition state, so far as the principle of party organization is concerned. Old parties, old names, old issues, and old organizations are passing away. A day of new things, new issues, new leaders, and new organizations is at hand. The men now in power, holding their places by the foulest coalition known in our history, seem not to foresee that doom which evidently awaits them. Standing upon no policy but the division of the spoils, their time is taken up in revelry and riotous living out of the public treasury. But like Belshazzar at the feast, they have the handwriting on the wall, whether they can read it or not."

## CHAPTER XXVIII.

A Complimentary Dinner—Reply to Mr. Campbell—Letter on Know-Nothingism—Becomes a Candidate for Re-Election—Speech at Augusta—Linton's Nomination—The Campaign—Mr. Stephens elected—Dead-LOCK in the House—Advice to the President.

THE first day of 1855 is greeted with a long letter, full of good wishes and good counsel to his brother. On the 4th of January he writes again, and gives an account of a little merry-making the day before.

"Mr. and Mrs. Toombs and myself gave Mr.\* and Mrs. Dawson a sort of bridal or complimentary dinner. We had thirteen persons at table besides ourselves. The company consisted of Mr. and Mrs. Dawson, Governor and Mrs. Pratt, Governor and Mrs. Brown, Mr. and Mrs. Badger, Mr. Hilliard, of Alabama, Dr. Reese, of Georgia, Colonel Hardee, U. S. A., Judge Wayne, and Mr. Pearce, of Maryland. The dinner was a splendid one,—one of the best I ever saw served in Washington."

After describing the arrangements and *menu*, the order of the guests, etc., he speaks of the conversation at table.

"We had one pass that made a roar of laughter in which all joined. Badger proposed to drink my health. He was at the farther end of the table, so that all heard him. He began by saying that when La Fayette visited this country, he inquired of some one who was presented to him if he was married. The gentleman answered that he was. 'Happy man!' replied the old general. The next one coming up was asked the same question, and the answer was 'No.' 'Lucky dog!' exclaimed La Fayette. Badger then drank to me as the 'lucky dog.' When all had emptied their glasses, I said that La Fayette had shown great tact in getting out of a scrape; greater, I feared, than I should show. But, as I knew nothing of the mysteries of the 'happy man's' case, I could only reply in the language of a Western lawyer I once heard of, who concluded his argument by saying, 'May it please your Honor, I know nothing of the mysteries

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\* Hon. Wm. C. Dawson, Senator from Georgia, who had just married his second wife.

of the law of this case, and my only reliance is to trust to the sublimity of luck, and float on the surface of the occasion.' All laughed heartily and agreed that I had got off very well."

Mr. Campbell, of Ohio, had replied to Mr. Stephens's speech of December 14th, directing his reply especially to the assertion that the South had asked and received few, if any, favors at the hands of the General Government, and to the comparisons which Mr. Stephens drew between the products of Ohio and Georgia. To certain parts of Mr. Campbell's remarks Mr. Stephens made some reply at the time, but when the speech, considerably amplified and revised, had appeared in type, he took occasion, as we shall see, to answer it thoroughly. To the first part of this debate the next letter refers.

*January 6th.*—"You are right in your opinion as to my reason for not answering Campbell's question, 'has Congress the power to prohibit slavery in a Territory?' My apprehension is that if they were to do it, the Supreme Court would hold it to be unconstitutional. Hence I always fought the Wilmot Proviso, because I thought there was something in it. But I believe that the exercise of such power on the principle and with a view to the total exclusion of the South from a participation in the Territories would be a gross abuse of power, such as would justify revolution. If I had *denied* the power, as he expected I would and hoped I would, then his object was to show that I had voted for the extension of the Missouri line, which vote sanctioned the exercise of this power north of 36° 30'. That is an inconsistency I have never yet committed. I regret that it has been committed by so many Southern men. Calhoun denied the power, yet was for the compromise line; and the same position is taken by the whole fire-eating crowd. . . . I have been endeavoring for some days to get the floor in order to come back on Campbell on his statistics. All of them have been compiled since he spoke. Not one word of them was uttered in his spoken speech. He was more than a week writing it out."

*January 8th.*—This is another of his black days.

"It seems to me that but for an effort that no other mortal upon earth would make, I should sink into profound indifference to all things connected with men and their affairs. But with that effort that I daily exert, to the persons about me I appear, I have no doubt, to be one of the most cheerful and happy men upon earth. I dined on Saturday at Preston's.\* There was a large party,—a splendid show, and I went through it just

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\* W. Preston, of Kentucky, afterwards Minister to Spain.

as if I enjoyed it. I thought it my duty to do so, and for that reason I did it. But if I had consulted my own inclinations, I should have spent the time in solitude."

On the 15th of January, Mr. Stephens made his remarkable speech in reply to Mr. Campbell, of Ohio. The largest audience of the session was present, and the impression made, both on the House and the public, was very great. Mr. Campbell had attempted to refute the assertion of Mr. Stephens that the South had received few, if any, favors at the hands of the General Government, by referring to the acquisition of Louisiana, Florida, Texas, and the Territories acquired by the Mexican War. Mr. Stephens replied that these acquisitions are not for the benefit of the South alone, but for that of all the States. That, moreover, the purchase of Louisiana covered a vast tract of territory reaching from the Gulf to 49° north latitude, and west to the Rocky Mountains, of which the North received more than double the amount that fell to the South. As to Florida, the acquisition of that State brought with it the acquisition of Oregon and Washington Territory, or three hundred and eight thousand and fifty-two square miles, while Florida had but fifty-nine thousand and sixty-eight. So while Texas came in as a slave State with two hundred and thirty-seven thousand five hundred and four square miles, the North, on the Territories obtained from Mexico, received six hundred and thirty-two thousand one hundred and fifty-seven square miles in California, New Mexico, and Utah. He showed further that if the line of 36° 30' were to be taken as the boundary between North and South, of the new Territories acquired one million eight hundred thousand square miles lay north of that line, and but seven hundred thousand south of it. So that it ill-befitted a Northern man to refer to the acquisition of these Territories as *favors granted to the South*.

He then referred to Mr. Campbell's strictures upon his statistics of the products of Ohio and Georgia. Mr. Campbell had asserted that Mr. Stephens had valued the products of Ohio at too low figures, and those of Georgia too high, to prove which assertion he had constructed a set of tables to show a heavy balance in favor of Ohio. Mr. Stephens in reply pro-

duced a memorandum drawn up for him some time before by *Mr. Campbell himself*, at his request, giving to Ohio products the identical values which he had taken! This exhibition was a *nailer*, and its production caused a great sensation. Still, Mr. Stephens continued, he was willing to adopt—though he denied its equity—Mr. Campbell's position that the same prices should be attached to the same articles in the comparison, irrespective of what value they might bear in their home markets; and was content to value all by Ohio prices. This done, the tables showed a still greater balance in favor of Georgia! He then took up Mr. Campbell's figures, and showed their monstrous fallacies, such as estimating the hay-crop of Ohio at sixteen dollars per ton, as so much of Ohio's wealth, when it bore no such price there, nor anything like it; the *New York cost*, which Mr. Campbell had quoted, being chiefly due to the expense of transportation. (This ridiculous fallacy of estimating the whole hay-crop of the Western prairies at the price baled hay was bringing in the New York market, as if the cost of transportation of a product to a distant market was *a part of the wealth, instead of an offset to the wealth*, of the producing region, has been often since repeated and believed even by those who should have more sense. It would be quite as reasonable to calculate the tons of ice in the glaciers of Greenland and estimate them at their value in the market of Havana; a proceeding which would show that desolate region as richer than all Europe.)

Other points of statistics he took up in turn, and in each showed triumphantly that they bore out the truth of his position. We cite an instance:

"I come now to railroads. The gentleman says that Ohio has 2367 miles of railroad in operation, while Georgia has but 884, by the census, placing Ohio 1485 miles ahead. Very well, sir. This is a very good showing; and if she had five times as many more miles, it would have nothing to do with what I said about agricultural products. But, sir, as favorable as this showing seems to be for Ohio, if we look a little into the matter, it will not be so bad for Georgia as the gentleman seems to imagine. I find, by looking into the *Railroad Journal*, and taking all the roads in Ohio and Georgia,—the condition of which is given in that publication,—that 1071 miles of the Ohio roads, which have a capital of \$18,094,102, have also a *funded debt* of \$12,225,400; while in Georgia, 553 miles of



her roads, the capital of which is \$9,099,975, have a funded debt of only \$732,401.

"From this it appears that the roads in Ohio, as far as I have been able to get information, are two-thirds unpaid for; while in Georgia less than one-twelfth of hers is unpaid for. If all the roads in each State, therefore, stand in a similar condition, or if the 1071 in one and 553 in the other may be taken as a sample for the whole in each State, then Georgia has more road completed and paid for than Ohio has. Two-thirds of 2367, the number of miles of the Ohio roads, is 1578, which, taken from that sum, leaves only 789 miles in operation and paid for. While one-twelfth taken from 884 miles of the Georgia roads, leaves 811 miles complete and paid for. And why should not these improvements, boasted of as they are as evidence of prosperity, be subjected to this test? Is it any more evidence of the thrift or prosperity of a people that they have railroads for which they are *heavily encumbered*, than it is of the thrift or prosperity of a man, from the fact that he accumulates property by running in debt for it? A man's real thrift can only be correctly ascertained by knowing not only what he has and what he makes, but what he owes; and the same principle is equally applicable to States or communities."

With the same masterly clearness he swept away the other sophistical arguments of his opponent, establishing more firmly than ever the just boast of his friends that "no man ever got the better of Stephens in debate." And these triumphs were not won by flourishes of rhetoric, or by ingenious jugglery with words; but by strong argument, by reasoning clear and irrefragable, and by the power of his never-failing memory, that seemed never to lose its grasp, and was always ready to supply the facts on which his argument rested or which helped to sustain it.

*January 18th.*—"I have been quite unwell all this week. Monday I spoke. I had an immense audience, and made, I think, a good speech."

After some complaints of the manner in which his speeches are reported by the press, he concludes: "I would not thus speak of myself to any other person upon earth."

*January 21st.*—"The Democratic members from the South are generally a good-for-nothing set. They follow the Administration, and the whole Administration policy now is courting the North. They are undisguisedly against Cuba, and against Kansas coming in as a slave State. That is, they want the people there to prohibit it, and hence Southern members do not look with favor upon any argument in favor of Southern institutions. As to the Southern press, what shall I say of it? It does nothing but re-

vamp Northern ideas and Northern news. If I were to illustrate it by a figure, I could draw a very apt one from Ohio, on which my thoughts have lately been mostly occupied. The way of fattening hogs there in some places is to put them in pens or floors in tiers over each other. The corn is first given to the topmost tier. What passes through is fed upon by the next, and so on down to the last, and what stuff they have! Such is just the stuff which descends from the Northern to the Southern press."

In the spring he paid a visit of several days to Linton, and after returning home he complains of ill health, and writes in a rather melancholy vein :

"I have a presentiment that my career is nearly run. I have a great deal to say to you ; but it does seem when we are together that I have no time to talk. Soon we shall be separated, never to meet in this life ; and then how strange it will seem to you that we talked so little about those things that you will then think most about!"

The later letters for this year have much to say about Know-Nothingism. The Whig party having been disorganized by affiliations of its Northern members with the Free-Soilers, this new party sprang into being, and soon drew into its ranks a majority of Southern Whigs and a considerable number of Southern Democrats. Mr. Stephens, so soon as he learned its principles, opposed it with energy. Its restrictions on foreigners desiring citizenship ; its introduction of religious tests into politics ; the fact of its being a secret political organization,—these he considered utterly opposed to republicanism and the spirit of our institutions. But he had determined not to be a candidate for re-election, and therefore took a public position on this issue later than he would otherwise have done.

He writes, on April 20th, on his return from Oglethorpe court :

"I have determined to have nothing more to do with politics under the new régime. I notified them in conversation at Oglethorpe that I was out of the field. I was not a candidate for re-election, and I should not be as things were now going. The leading ideas now sought to be inculcated upon the Whigs are to proscribe foreigners and Catholics ; but I should do neither. . . . The most dangerous enemies to our country are the Free-Soilers and Abolitionists. To crush *them* out I would join with any honest man, be he Jew or Gentile, American-born or adopted citizen."

On the 5th of May, Judge Thomas W. Thomas addressed him a letter, requesting him to make public his views with regard to the Know-Nothing party, to which he replied on the 9th with what is known as his Letter on Know-Nothingism, in which he dissects the principles of the party; shows the evil results which will flow from them, and the covert mischief which they were intended to effect; and shows how, of all men, the Southern people should be opposed to such a party and such principles. This letter produced a strong impression throughout the State, where the new order had a very large following; indeed, it is probable that at this time it was favored by a large majority of the voters in his own district. The impressive appeal from a man whose sincerity and patriotism had never been really doubted, even by those who differed most widely from him in political views, "kindled a blaze in 'Sam's' camp, and for a while looked like blowing it up," especially in the western counties of Georgia. But the leaders of the new party exerted themselves to the utmost to counteract this effect, and raised the excitement to a pitch that had never before been known in the State. The most rancorous hostility was directed against Mr. Stephens, and it was asserted by many leading Know-Nothings that his opposition was merely the result of his disappointed ambition and mortification at being forced to retire from Congress; as he knew that the new party would have nothing to do with him. These taunts, and a conviction of the mischief that would result from the success of the new party, changed Mr. Stephens's resolution, and he determined to take the field again.

On May 26th he writes :

"To-morrow night I intend to go to Augusta and declare myself a candidate for Congress. I have heard taunts that I am *afraid* to run. I will run, let the consequences be what they may. I may be beaten; but I may sow seeds of truth in the canvass that hereafter may save the country. If I can do that, what though I fall? The times are ominous, and every man should do what he can to arrest a monstrous outrage upon the Constitution, though he fall in his work. . . . I feel my blood up. When the preacher's voice is raised for religious persecution, and against the Catholics, I think of the infamous Titus Oates. Enough! I shall be in the fight, thick and heavy."

So he went to Augusta, and made a public speech, in which he announced himself a candidate for re-election. Alluding to the taunts that he was afraid, he speaks thus :

"I am afraid of nothing on earth, or above the earth, or under the earth, but to do wrong. The path of duty I shall endeavor to travel, fearing no evil, and dreading no consequences. I would rather be defeated in a good cause than to triumph in a bad one. I would not give a fig for a man who would shrink from the discharge of duty for fear of defeat."

He then launched out into an attack upon the principles of the new order :

"They assume," he says, "the specious motto 'Americans shall rule America,' yet they aim at putting a large class of as good and as true native Americans as the writer himself" [an opponent to whom he is referring] "under the ban of civil proscription. Are not the descendants of Catholic Marylanders as much Americans by birth as the New England descendants of the Puritans that landed on Plymouth rock? While the specious outside title of the party is, 'Americans shall rule America,' when we come to look at its *secret* objects as they leak out, we find that one of its main purposes is not that 'Americans shall rule America,' but that those of a particular religious faith, though as good *Americans* as any others, shall be ruled by the rest."

He next showed that the immediate, the pressing danger was not from the Catholics, but from the Free-Soilers and Abolitionists, and that it was the wildest madness to neglect a real and imminent, to provide for a contingent and imaginary peril. Again he strikes at the secret character of the movement, as unfitted to a free and republican community, where all public acts, measures, and parties should be open to public scrutiny. Such an organization partook of the nature of a conspiracy, and could only be justified on the ground that it was revolutionary in its character, and an attempt, by unlawful means, to overthrow the Constitution. He denounced the attempt to introduce religious tests, and bring about a religious war, for such would undoubtedly be the result.

"It is," he says, "the first movement of the kind since the foundation of our Government. Already we see the spirit abroad which is to enkindle the fires and set the fagots a-blazing,—not by the Catholics: they are comparatively few and weak; their only safety is in the shield of the constitutional guaranty; minorities seldom assail majorities; and persecutions

always begin with the larger numbers against the smaller. But this spirit is evinced by one of the numerous replies to my letter. He says, 'We call upon the children of the Puritans of the North and the Huguenots of the South, by the remembrance of the fires of Smithfield and the bloody St. Bartholomew, to lay down for once all sectional difficulties,' etc., and join in this great American movement of proscribing Catholics. What is this but the tocsin of intestine strife? Why call up the remembrance of the fires of Smithfield but to whet the Protestant appetite for vengeance? Why stir up the quiet ashes of bloody St. Bartholomew but for the hope, perhaps, of finding therein a slumbering spark from which new fires may be started? Why exhume the atrocities, cruelties, and barbarities of ages gone by from the repose in which they have been buried for hundreds of years, unless it be to reproduce the seed and spread among us the same moral infection and loathsome contagion? Just as it is said the *plague* is sometimes occasioned in London by disintombing and exposing to the atmosphere the latent virus of the fell disease still lingering in the dusty bones of those who died of it centuries ago!"

The speech closed with an eloquent appeal to all who loved their country and constitutional liberty to open their eyes to the real dangers and the real enemies who were to be feared, and to co-operate zealously with any men or party, North or South, who would help to combat them. In conclusion he announced himself as a candidate, irrespective of the action of any convention.

In June, Linton Stephens was nominated as a candidate for Congress, in the seventh (adjoining) district, and on the 23d his brother thus writes to him, on his return from a visit of several days:

"The ride to me this evening was one of meditation. . . . You were the central figure of my thoughts. Your success, not only in this new step you are about to take, but in the greater future of life before you, just now beginning to open,—this was the engrossing theme of my thoughts. You embody all that is really dear to me in life. In you and about you are centred all my hopes and aspirations of an earthly nature; and whatever affects your welfare and happiness touches me more sensitively, if possible, than anything that affects my own. I could bear almost anything if I knew that all was well with you. And I shall feel and take much more interest in your success in this race than in my own. If you are elected I shall feel content, whatever may be my fate. Arm yourself, therefore, for the fight. The first thing is to get a perfect command of your temper: on all occasions on the stump to be in a good humor. Provide yourself with every document or reference that you may want. Think of the question in all its length and breadth, until your soul

shall glow with the ardor of patriotism, which shall seek vent by utterance through the lips. Good-night. My old house looks cheerless to-night."

*June 29th.*—"To-morrow I go to Raytown, then to Elbert, then to Columbia, then to Jefferson. Fenn's Bridge on the 17th July. I have been quite unwell all the week, and am so still. The weather is hot, and I am getting weak. It is said that there will be a tremendous crowd at Raytown to-morrow. Oh that I were strong in body!"

*June 30th.*—"I have just returned from Raytown. We had a good time there to-day. A large crowd present, from Augusta, Washington, Warrenton, Greensborough, and Columbia Court-House. I was feeble, but I think I made one of the best speeches I ever made in my life. This is my opinion; I do not know what others may think of it. I would not say this to any other in the world but to you, and to you only because I know you would like to have my opinion as well as that of others. Poor Ireland was out in mass. . . . The spirit was in me, and I never spoke with greater liberty and unction. P—— wished to know whom I would support for Governor. I told him I would consider of that matter. He knew I did not intend to vote for Johnson. If Andrews\* would come out and declare himself in opposition to the two leading articles of the Know-Nothing creed, I might vote for him. But the contest I was engaged in was one of my own. The Governor's election was a matter that I should have nothing to do with, except, perhaps, to vote. I had my own canoe to paddle, and every man in this campaign must 'tote his own skillet.'"

This "skillet" was a reference to an anecdote, well known to Linton, of the elder General Dodge, Senator for Iowa. During the war of 1812 he and a number of others were taken prisoners by a party of Indians, who, in their marchings about, compelled the prisoners to carry the cooking utensils of their captors as well as their own. At the end of about the third day the general, desperate of consequences, stopped, threw down his burden, and remarked, "Mr. Indian, from henceforth every man of this crowd has got to tote his own skillet, so far as I'm concerned!"

*August 5th.*—Augusta. "We had a great day here yesterday. A very large crowd, much larger than I expected. Jenkins announced and introduced me in his happiest style. I spoke two hours and a half. The

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\* Hon. Garnett Andrews, Know-Nothing candidate for Governor, against Governor Johnson, who was a candidate for re-election.

speech took very well, but it was by no means one of my best efforts. The weather was too hot: I was too hoarse, and felt feeble. At the dinner-table I gave them a brief home-touch with much greater effect. The point in my speech there, which produced the greatest effect, was the comments I made on the Know-Nothing constitution, the three great powers, to tax, to punish, and to decide the national politics. That produced a strong effect, I think, and, strange to say, several of the most prominent and sensible men in Augusta were surprised at it. They had never heard of it before."

*August 13th.*—Louisville, Georgia. "I am glad you are getting on so well. In my district I should have no difficulty, I think, if I were not complicated with the Governor's election. How it will be in the end I cannot say. In Burke there are but few Know-Nothings, but they will not run a ticket there. The Johnson men will run me. I am apprehensive that this will cause the Andrews men to vote the other way. Johnson cannot carry the county. He will be beaten by two hundred votes, they say. So you see how I may be mashed up by that operation. I made them one of my best speeches at Waynesborough, and am to speak at two other places in the county this week. But all this is labor lost. They have no ticket out for the Legislature, and it is folly to be addressing them now."

*September 16th.*—"In Morgan\* the die is cast. Men there are bitter. Speaking does no good,—not a particle. At least speaking in towns does not."

*September 20th.*—He and Mr. Toombs have been speaking in Columbia, where friends say they will carry the election by a tight squeeze. Toombs is going into Linton's district.

"He will do you more good than he will me. I think I shall be elected by six hundred majority. Write to me at Washington. I shall be there next Monday, go to Augusta Tuesday, go up to Providence, speak there Friday, and Raytown Saturday, come home then and watch the result. I wish the election was over. I feel a great deal more interest in your case than I do in my own. I am prepared for your defeat; and yet I can but hope against hope."

As he feared, Linton was beaten by his opponent, N. G. Foster, by a small vote,—less than a hundred. Alexander was elected over his opponent, Lafayette Lamar, by a majority of nearly three thousand, one of the heaviest he has ever received.

This was perhaps the most exciting campaign ever held in

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\* Morgan County was in Linton's district.

Georgia. Mr. Stephens entered into it with unusual spirit and zeal, and, though in very weak health, was indefatigable in his exertions, making many addresses, as powerful as were ever heard at the hustings. In some he rose to a truly wonderful height of eloquence. The summer was excessively hot. He would speak for hours, and at last sink exhausted from mere fatigue, every thread of his clothes drenched with perspiration. Wrapping himself in a cloak, he would hurry to his hotel, change his clothes, and then drive off in his buggy, with his servant Harry and his faithful Rio, to keep another appointment, thirty or forty miles distant, on the next day. Such displays of power by a being so slight and frail, excited even more than the usual astonishment among his hearers. "My G——!" cried a man who then saw him for the first time, "there is nothing about him but lungs and brains!" His denunciations of the secret order were terrific, and often apprehensions were felt of serious disturbances at his appointments. The wrath of the Know-Nothing leaders knew no bounds; and threats were made that unless he moderated his tone, measures would be taken to silence him. He was once asked if he did not consider that some of his attacks were rather too severe. "No," he answered; "it is a disease not for plasters, but for the knife."

The sudden rise of this party, and the energy with which it struggled for success, are among the strangest things in our history. It was astonishing to see how quickly and fiercely the passions of religious hostility were kindled up, while there were many men, the disgrace of humanity, who strove to inflame these passions, even at the risk of plunging the country into a religious war, merely to gain their personal and selfish ends; and even at this day there are some who try to fan the extinct embers into flame again, for purposes not more creditable. When the movement had collapsed, most of the participants were ashamed of their connexion with it, and many and ingenious were the excuses they devised to explain their action. Mr. Stephens was asked by a friend if he thought they would renew the fight next year. He answered, "No. They will run from Know-Nothingism as they would from the carcass of a horse,—yes, of an elephant."



In November he went to Washington, D. C., from which place he writes, on the 30th :

"I am once more, as you see, in Washington, and I feel badly. If I had my course for the last nine months to go over again, I believe now I should not be a candidate, but should remain at home and attend to my business. In public life the game with me is not worth the candle. I find it is all I can do to live here without going in debt; while my affairs at home are sadly neglected in my absence. At the hotel I could not get comfortable quarters for less than about one hundred and fifty to one hundred and seventy-five dollars per month for myself and servant. I looked about a day or two, and am now settled on the corner of Sixth and D Streets, at Crutchett's."

*December 2d.*—"I am very well pleased with the political prospect as far as I have yet seen. I find that a better state of feeling is now existing among the Northern Democrats than I ever saw before. I drew up a resolution for their caucus last night, which was presented by J. Glancy Jones, of Pennsylvania, and unanimously adopted. I did not go into the caucus, but heartily approve what they did. Every Northern Democrat in the House was for the resolution. You will see that I stick to your resolution of the last Georgia Legislature as a nucleus. Did you think when you drew that resolution that it was the germ of a great national organization?"\*

*December 3d.*—"The Northern Democrats seem to think more of me than of their old party-line men. They have confidence in my integrity, and, among other things, spoke of my quitting the opposition in the majority, and acting with a minority on principle. This they look upon as a rare virtue in these days of going into 'a wild hunt after office and spoils.' You have quite a reputation here as an orator and stump-speaker. Cobb is loud in your praise. Georgia is held in high estimation; and Cobb openly attributes the result to you and me. I think the Georgia election is more talked of than that of any other State in the Union. The members from Alabama, North Carolina, Mississippi, Tennessee, Louisiana, Texas, and Kentucky say they made the fight on my lead and the Georgia line."

There is also an account of a dinner party, at which one thing struck him as curious :

"I saw what I never saw before,—persimmons set on the table with other fruits as part of the dessert; and, strange to say, they were con-

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\* In urging Mr. Jones to offer this resolution, Mr. Stephens said to him, "If you will do this, I will go up to the House, and bring all the Southern Whig support I can; and if you will take the resolution and make it your platform, I guarantee the result."

sidered a great rarity and favorite dish. Verily, other things besides prophets are not without honor save in their own country."

At the beginning of this session of Congress occurred the great dead-lock in the House, owing to the inability of either party to elect a Speaker, which continued until the 4th of February.

*December 11th.*—"We voted to-day again for Speaker. Banks got 107. Whether he can get the six more needed for election I cannot tell. If men were reliable creatures, I should say he never can. But my observation has taught me that very little confidence is to be placed on what they say as to what they will do. . . . I should not be surprised at any moment to see Cullom's Tennessee friends go over in mass to Banks. I would as soon vote for Banks as for Cullom. . . . Sometimes I have a good will to quit work and take my ease, and go home and attend to my business, letting the people get some one else to do their work. For what does it all amount to? Nothing—absolutely nothing. This world's honor, when the cup of ambition is filled to the brim, is nothing at last but vanity and vexation of spirit."

*December 27th.*—"Banks came within three votes of election to-day. They rescinded my resolution about adjourning. When the vote was announced, old Miller at my right, whom you felt some interest about (touching his religion at least), remarked to me in rather an undertone, 'It is a G—d—shame!' I send you this as the only information I have received as to what church he belongs to."

*December 30th.*—"We adjourned last night at six o'clock. No Speaker. . . . We have had a little work going on behind the curtain here for nearly two days, that may be interesting to you. The night before last, as I was going into the caucus, I called by Cobb's room for him. In conversation I learned from him that the President was very desirous for the House to organize. His message, he thinks, has important matters bearing upon foreign questions which may affect the question of peace in Europe, if they can be communicated so as to go out in the steamer of this week. By the by, I may tell you that he thinks that upon the publication of certain correspondence of Palmerston, he will be overthrown in Parliament, and then a peace ministry put in. Without considering the merits of that view at all, of which I am not fully advised, and looking only at the accomplishment of his object, to get his message out, I gave it as my opinion that, if I were President, and thus wishing to communicate public matters to Congress, I would send in my message without waiting an organization of the House. I would consider the members in session, and address them. Or, in any event, as the Senate was organized, I would address them in executive session, and then let them take off the secrecy and publish the message. This struck Cobb, and he put at me to take a hack and go immediately with him to the President. This we did. At first he did not seem to take to it at all: he was timid and shy; but after

a while said he would think of it and consult his Cabinet. The thing was so *unprecedented*, he was afraid of it.

"Yesterday he went to see Toombs about it in person. He [Toombs] concurred with me. In the evening I found a *precedent* in the British Parliament, when the House failed to elect a Speaker for fourteen days, and the Crown communicated with them by message, etc. The precedent is cited in Jefferson's *Manual*, under head 'Speaker.' I showed it to Cobb: he immediately sent it to the President. In about an hour afterwards Sam Smith, of Tennessee, who had been saying all day that the President wanted the House organized (this was said privately to friends), came to me and said that he had just received a note from the President, that we had better adjourn, as it made no matter about the election that day. The conclusion I came to was, that he had resolved to send in his message to-morrow, *anyhow*, either to both Houses, as I have stated, or to the Senate. Cobb got a note from him just before we adjourned, requesting him, Quitman, and myself to call to see him to-morrow morning at ten o'clock. So I am expecting the message to-morrow; and if it turns out to be a premature birth, when you see this you will know the occasion of it."

The message, as Mr. Stephens had anticipated, was sent in the next day; but the House, not being organized, refused to have it read.

## CHAPTER XXIX.

Debate with Mr. Zollicoffer—Election of Mr. Banks—A Plausible Scamp and a Domestic Tragedy—The Minority Report on the Kansas Election—Anecdote of Mr. Hale—Speech on the Kansas Election—News from Kansas—Speech on the Admission of Kansas—Death of John Stephens—Correspondence with Mr. Johnston—Negligence of Southern Representatives—Challenges Mr. B. H. Hill.

THE first letter of the new year bears date January 8th, 1856.

“Last night the Richardson men had a meeting, and we resolved to *sit it out*. This I brought them up to: the plurality rule they could not go. So to-morrow we shall have a continuous session. I am not well to-day. The snow is still unmelted. The thermometer yesterday morning was  $6\frac{1}{2}^{\circ}$  below zero, in the city. Mine, hanging at my window, was at  $2^{\circ}$  above when I got up at seven. It was intensely cold: never since I have been in Washington was it colder.”

On the 17th of January,—the House being still unorganized, and the Clerk in the chair,—Mr. Stephens had a lively debate with Mr. Zollicoffer, of Tennessee, on the question whether Congress had or had not the power to establish or prohibit slavery in the Territories. The gist of his argument may be found in the closing paragraphs. The question had been asked: “If the people of the Territories have no power except that given to them by Congress, and Congress has no power to exclude slavery in the Territories, where do the people of the Territories get the power to exclude it there?” Mr. Stephens replies:

“The people have, in my opinion, the power to exclude it only in a State capacity, or when they form their State constitution. Then they get it where all the States get it. The people, in a Territorial condition, are but new States in *embryo*: this latent power of *full sovereignty*, when they assume State form, then develops itself; as wings to rise and fly, though latent in the chrysalis, do nevertheless develop themselves in full beauty, vigor, and perfection at the proper time. But I have this further to say in reply to the gentleman from Maine [Mr. Washburne]. That gentleman, and I suppose a majority of this House, hold that Congress has the full and absolute power to exclude slavery from the Territories. Well,

sir, if Congress has such power, it has conferred that power upon the people of Kansas and Nebraska. I hold that Congress has not such unqualified power; but if it has, as the gentleman believes, then the people of those Territories possess it under the bill. This is evident from the language of the bill itself:

“That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect in the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the “Act preparatory to the admission of Missouri into the Union,” approved March 6th, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States:

“*Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the Act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery.’

“Now, sir, as I have stated, I voted for this bill, leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the Constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be much better and much more consistent with our old-time republican principles to let the people settle it, than for Congress to do it. And although my own opinion is that the people, under the limitations of the Constitution, have not the rightful power to exclude slavery so long as they may remain in a Territorial condition, yet I am willing that they may determine it for themselves, and when they please. I shall never negative any law they may pass, if it is the result of a fair legislative expression of the popular will. Never! I am willing that the Territorial Legislature may act upon the subject when and how they may think proper. We got the Congressional restriction taken off. The Territories were made open and free for immigration and settlement by the people of all the States alike, with their property alike. No odious and unjust discrimination or exclusion against any class or portion; and I am content that those who thus go there from all sections, shall do in this manner as they please under their organic law. I wanted the question taken out of the halls of national legislation. It has done nothing but disturb the public peace for thirty-five years or more. So long as Congress undertakes to manage it, it will continue to do nothing but stir up agitation and sectional strife. The people can dispose of it better than we can. Why not then, by common consent, drop it at once and forever? Why not you, gentlemen, around me, give up your so-called and so-misnamed republican ideas of restoring the Missouri restriction, and let the people in the far-off Territories of Kansas and Ne-

braska look after their own condition, present and future, in their own way? Is it not much more consistent with Mr. Adams's ideas of republicanism for them to attend to their own domestic matters than for you or us to undertake to do it for them? Let us attend to our business, and let them attend to theirs. What else keeps this House disorganized and suspends all legislative business? I wished, sir, in voting for the Kansas Bill, and in carrying out in good faith the great principles established in 1850,—that memorable epoch, the middle of the nineteenth century,—and fixing them as the basis and rule of action on the part of the General Government in her Territorial policy, to get rid of this disturbing question here, by referring it unrestrictedly, as far as I could under the Constitution, to the people. If they have not the power to settle it while a Territory, as a matter of absolute right,—*ex debita justitia*,—I was willing, so far as I was concerned and had the power to do it, to give it to them as a matter of favor,—*ex gratia*. I am willing, as I say, that they shall exercise the power; and, if a fair expression of the popular will—not such as may be effected by New England Emigrant Aid Societies, or other improper interference, but the fair expression of the will of the hardy pioneers, who going from all sections without let or hindrance seek new lands and new homes in those distant frontier countries—shall declare, in deliberate and proper form under their organic law, that slavery shall not exist among them, and, if I am here at the time, I shall abide by their decision. I, as a member upon this floor, never intend to raise the question of their constitutional power to adopt such a measure. I shall never attempt to trammel the popular will in that case, although I may think such legislation wrong and unjust, and not consistent with constitutional duty on the part of those who enact it. Yet it will be a wrong without any feasible remedy, so far as I can see. I am for maintaining with steadfastness the Territorial Bills of 1850,—the principle of leaving the people of the Territories, without Congressional restriction, to settle this question for themselves, and to come into the Union, when admitted as States, either with or without slavery, as they may determine. This principle was recognized and established after the severest sectional struggle this country has ever witnessed, and after the old idea, whether right or wrong in itself, whether just or unjust, whether constitutional or unconstitutional, of dividing the Territories between the sections, was utterly abandoned and repudiated by the party that at first forced it as an alternative upon the other.

“The Kansas and Nebraska Act carries out the policy of this new principle instead of the old one. The country, with singular unanimity, sustained the measures of 1850; and all that is now wanting for the permanent peace and repose of the whole Union upon all these questions is an adherence to the measures of 1850, both ‘*in principle and substance*,’ as the settled policy of Congress upon all such matters. That the people of all sections will come ultimately, and that before long, to this stand I cannot permit myself to doubt. Let us hear no more, then, of repeal. Let us

organize this body upon a national basis and a national settlement. Let us turn our attention to the business of the country which appropriately belongs to us. Yes, sir, the great and diversified interests of this truly great and growing country of ours, about which we talk and boast so much, and about which we have so much reason to talk and boast. Let us look to the fulfilment of the high and noble mission assigned us. Do not let the party watchwords of 'liberty' and 'freedom' for the black man, which some gentlemen seem always ready to repeat, cause you to forget or neglect the higher objects and duties of government. These relate essentially to *our own race, their well-being, their progress, their advancement*. Let the inferior race in our midst take that position for which, by a wise Providence, it was fitted, and which an enlightened and Christian civilization in the different sections of our common country may think proper to assign it.

"Mr. Clerk, we hear a great deal nowadays about Americanism,—and by not a few of those, too, who call themselves, *par excellence*, republicans. Now, sir, has America,—with her hundreds of millions of foreign trade, and millions almost beyond count of internal and domestic trade,—with her incalculable resources of commerce, agriculture, and manufactures in a state of rapid development,—has America, the asylum of the misruled, misgoverned, and oppressed of all climes,—the home of civil and religious liberty,—the light of the world and the hope of mankind,—no higher objects to occupy our attention than those questions which, whatever may be their merits touching the condition of the African race in the several States and Territories, do not properly come within the purview of our duties to look after here?—questions, the discussion of which in this hall can have no possible effect but to create agitation, stir up strife, array State against State, section against section, and to render the Government, by suspending its legislative functions, incapable practically of performing those great and essential objects for which alone it was expressly created."

*February 1st.*—He has just received a letter from Linton, at Lagrange, where he has been to see their brother John, who has been sick.

"I have been sorely afflicted in mind,—greatly grieved and troubled on account of John's illness. Life began to wear an unusually dark and melancholy appearance to me. I am now much more cheerful in spirits. How long this will last I cannot tell. . . . We are getting along very well without a Speaker yet. But for a *faux pas* on the part of that fool C——, I think we should have made Aiken Speaker to-day. I had set the programme for it about ten days ago. My plan was this: after the plurality rule should have been adopted (which I have all along believed after a while would be) and two ballots should have been had under it, if the Southern Know-Nothings should not indicate a purpose to go over to Orr to prevent Banks's election (which I did not much expect them to do),

then Aiken was to be put in nomination on the floor, Orr to decline and let the last vote be between Aiken and Banks. From my knowledge of the House, its present tone and temper, knowledge of Aiken and the estimation he was held in by several of the scatterers, I believed he would beat Banks. This I communicated to a few, and a few only. I gave Cobb, of Georgia, my idea: he was struck with it, and communicated it to a few others. It took finely. I sounded some of the Western Know-Nothings,—Marshall and others,—and found that they could be brought into it. I said nothing of my plan, but simply asked carelessly how Aiken would do. I found that he would do for them. But after his name began to be talked of, he got so popular in the minds of many that C——, a fool, plugged the melon before it was ripe. That is, he offered a resolution to make Aiken Speaker. He came within seven votes. If we had then been under the pressure of the plurality rule, and the choice between him and Banks, he would have been elected, sure as fate, in my opinion. For Scott Harrison, who voted No on C——'s resolution, had said he would vote for Aiken as between him and Banks. I have but little doubt that Haven would have done the same thing. So would Cullen, of Delaware, and Barclay, of Pennsylvania, who voted 'No' to-day. These four would have carried the election, to say nothing of the scattering. As it is now, I fear the fat is all in the fire, but hope not. In a resolution to-day to make Banks Speaker he got 102: on a similar resolution Aiken got 103, even with Cullen, Barclay, Haven, and Harrison voting against him; so if we had then been under the plurality rule, Aiken would have been chosen."

*February 2d.*—"The plurality rule has just been offered by Smith (Democrat). I am in the House, and the motion has been made since I commenced this letter. My apprehension is that all has been lost by yesterday's *faux pas*."

*February 4th.*—This letter is so blurred as to be almost illegible. It speaks of the election of Banks, and notes that this was the first election of the kind in the history of the country that was purely sectional. The course of the Democratic party in the election is highly praised. From this time Mr. Stephens acted with that party.

*February 5th.*—Linton has been inquiring about some money that he had lent.

"You asked me some time ago if D—— and V—— had returned me the amount I lent them. Not a dime of it; nor have I ever seen or heard a word from either of them since I lent them the money, except that two days afterwards V—— was here in this city. Cobb had lent him fifteen dollars, and Lumpkin, I believe, as much. I had a good will to go and have the wretch arrested. But I took a walk, and that cooled me off. I have often thought I never would let another mortal have money under



any circumstances to get away from this city on. It was a rash and foolish resolve on my part, for in about a week afterwards a very clever, frank, and manly-looking young gentleman called on me about three o'clock at night, informing me of the very unpleasant situation into which he had unexpectedly been thrown. His name was Crawley; his father lived in Richmond County."

Then follows an account of the young man's misfortunes, his getting twenty dollars, and his turning out to be a "regular sharper." This was no uncommon adventure with Mr. Stephens, who, with all his knowledge of the world, was liable to be imposed upon by any sharper, male or female, that could tell a plausible story and appeal to his benevolence. But not all the applicants for his assistance have been of this class, and he has relieved so many cases of real distress, which probably a more suspicious nature would have turned away, that he has been more than overpaid for the mortification of finding himself every now and then the victim of a swindler. His thoughts, however, in the letter before us, are soon diverted from this unpleasant subject by the memory of a domestic tragedy.

"Harry sends me word that my old white cow is dead. Poor old soul! She went to jump into Billy Bell's field, and encountered a ditch on the other side of the field, into which she fell, and out of which she never came alive. She got her head up-stream, dammed up the water, and, Harry thinks, drowned. Another motherless calf has mourned the loss of an ill-fated dam."

*March 5th.*—"I made a decided hit in the House to-day by reading the minority report in the Kansas election case. . . . You will of course see the report, and I need not inform you, I suppose, that I drew Whitfield's paper, which is part of it. The report was all got up last night after ten o'clock. I wrote until two o'clock. The Committee, I mean the majority, acted like knaves. They would not let us see nor hear what to examine at all. I went it blindly, and wrote what you see under the circumstances related. I was gratified to see that what was so hastily done met with such favor. I tell you it was in the *reading*. I did that better than I ever did anything of the kind in my life."

*March 9th.*—Account of a dinner at a Mr. Sullivan's.

"The only objection I have to dining with him is that he always gives his dinner on Sunday. But his company is generally select, and I have never seen anything at his table inconsistent with the quiet and decorum which are becoming to the day. Still, I do not like it."

Cobb and Ward had been invited to dine with him, but were going to the President's.

"By the way, I have thought it a little strange that I have never yet but once been invited (and that when I was very ill, two months ago) to dine with Pierce, nor have I yet dined with a single member of his Cabinet. Whether I have been omitted by intention or from forgetfulness I do not know nor do I care. I only mention the fact as a singular one. It never occurred with any previous President, not excepting Polk or his Cabinet."

In connexion with the dinners at Mr. Sullivan's, Mr. Stephens occasionally tells this anecdote: While the adjustment measures of 1850 were pending there was a dinner at Mr. Sullivan's,—on a Sunday as usual,—at which Clay, Toombs, Hale, of New Hampshire, and other prominent actors in the exciting discussions of the day were present. Mr. Hale was then in the Senate, and with all his talents was noted as something of a wag. In the course of conversation, Mr. Clay, with great earnestness, made an appeal to Hale to quit the agitation of the Slavery question. "No good," he said, "can come of it; there is nothing practical or useful in it; it only tends to produce ill feeling and hinder the prosperity of the country." Mr. Hale, with an arch look, replied, "Mr. Clay, *it sent me to the Senate*, and I think there is something in that!"

*March 11th.*—"I have just come from the House, where I spoke upon the Kansas election, on the motion to empower the Committee to send for persons and papers. I will give you no opinion of the speech, except that I did not disgrace myself, *me judice*. What the audience thought of it I shall be better able to judge when I see the papers. I received many compliments, but they are so cheap here I do not regard them as of much importance. I had a large audience; the largest that has assembled since the House was organized; galleries full and crowded. No other person has drawn anything like such a crowd. . . . I got your letter this morning. It was greeted with pleasure. I was anxious to hear from you. Poor Rio! my heart yearned for him. I tell you the truth, I almost wept when I read your account of his encounter with Bill Alexander's dog. Not that I felt great apprehension for Rio's safety; but I feel an interest in that dog that I never did in the inferior animals, and never shall in any again, I am certain. And the reason of it is mainly on account of his attachment and fidelity to me. I dream of him frequently."

About the 1st of April Mr. Stephens went home, and returned to Washington on May 2d.

June 13th.—“The House did not sit to-day. Butler finished his reply to Sumner in the Senate. Sumner was not present, as I hear. Wilson, as I hear, took up the Massachusetts side of the vituperation, for debate it was not.”

June 14th.—“We have some news here. Stringfellow has got to the city direct from Kansas. I have not seen him myself, but Toombs, who left me just now, saw him last night. Stringfellow is our main man in Kansas, you know. According to Toombs's report all things are now comparatively quiet there. The newspaper reports of burnings and civil war are unfounded, and got up by Northern agitators for effect. The hotel at Lawrence was presented by the grand jury as a nuisance, and ordered to be demolished as such. He says the investigations of the Committee will work in our favor greatly when published. The Committee will be here this week. He says they want no more men in Kansas; they want no fighting; that all is working just as it ought. His account, in a few words, is better than I expected.”

On June 28th the question before the House was the bill providing for the admission of Kansas as a State, under what was called the “Topeka Constitution.” This was a constitution drawn up by the Free-Soil Party, composed chiefly of the emissaries of the Emigrant Aid Societies, and it not only provided for the exclusion of slavery, but prohibited negroes or mulattoes from settling in the State.

On this question Mr. Stephens addressed the House at considerable length. He reviewed the manner in which the Kansas Bill had passed, and showed how false were the charges that a state of war existed in Kansas, or that what few disturbances had occurred were due to the Southern party there, or to the Kansas Bill. He showed how rumors were created, or facts exaggerated, to arouse popular feeling and create agitation at the North, for party purposes; and how those who breathed fire and slaughter were really the Northern agitators, and no others. He then examined the bill before the House, and showed that the Topeka Constitution was framed in open opposition to law by men with arms in their hands, who in no sense represented the *bona-fide* settlers of the Territory, the parties who, under the Kansas Bill, were the persons to determine the policy of the new State with reference to slavery. Finally, he took up the question of slavery itself, and compared the position of the negro in the South with his position in the North. In the former he had

a recognized place, duties, and protection ; in the North he was "a nondescript outcast, neither citizen nor slave, without the franchise of a freeman or the protection of a master." In conclusion he said :

"Gradation is stamped upon everything animate as well as inanimate,—if, indeed, there be anything inanimate. A scale, from the lowest degree of inferiority to the highest degree of superiority, runs through all animal life. We see it in the insect tribes, we see it in the fishes of the sea, the fowls of the air, in the beasts of the earth, and we see it in the races of men. We see the same principle pervading the heavenly bodies above us. One star differs from another star in magnitude and lustre,—some are larger, others are smaller,—but the greater and superior uniformly influences and controls the lesser and inferior within its sphere. If there is any fixed principle or law of nature it is this. In the races of men we find like differences in capacity and development. The negro is inferior to the white man ; nature has made him so ; observation and history, from the remotest times, establish the fact ; and all attempts to make the inferior equal to the superior are but efforts to reverse the decrees of the Creator, who has made all things as we find them, according to the counsels of His own will. The Ethiopian can no more change his nature or his skin than the leopard his spots. Do what you will, a negro is a negro, and he will remain a negro still. In the social and political system of the South the negro is assigned to that subordinate position for which he is fitted by the laws of nature. Our system of civilization is founded in strict conformity to these laws. Order and subordination, according to the natural fitness of things, is the principle upon which the whole fabric of our Southern institutions rests.

"Then as to the law of God,—that law we read not only in His works about us, around us, and over us, but in that inspired Book wherein He has revealed His will to man. When we differ as to the voice of nature, or the language of God, as spoken in nature's works, we go to that great Book, the Book of books, which is the fountain of all truth. To that Book I now appeal. God, in the days of old, made a covenant with the human family for the redemption of fallen man : that covenant is the corner-stone of the whole Christian system. Abram, afterwards called Abraham, was the man with whom that covenant was made. He was the great first head of an organized visible church here below. He believed God, and it was accounted to him for righteousness. He was in deed and in truth the father of the faithful. Abraham, sir, was a slaveholder. Nay, more, he was required to have the sign of that covenant administered to the slaves of his household."

MR. CAMPBELL.—"Page, bring me a Bible."

MR. STEPHENS.—"I have one here which the gentleman can consult if he wishes. Here is the passage, Genesis xvii. 13. God said to Abraham :

“13. He that is *born in thy house*, and he that is *bought with thy money*, must needs be circumcised : and my covenant shall be in your flesh for an everlasting covenant.’

“Yes, sir ; Abraham was not only a slaveholder, but a slavedealer it seems, for he bought men with his money, and yet it was with him the covenant was made by which the world was to be redeemed from the dominion of sin. And it was into his bosom in heaven that the poor man who died at the rich man’s gate was borne by angels, according to the parable of the Saviour. In the 20th chapter of Exodus, the great moral law is found,—that law that defines sin,—the Ten Commandments, written by the finger of God Himself upon tables of stone. In two of these commandments, the 4th and 10th, verses 10th and 17th, slavery is expressly recognized, and in none of them is there anything against it ; this is the moral law. In Leviticus we have the civil law on this subject, as given by God to Moses for the government of His chosen people in their municipal affairs. In chapter xxv., verses 44, 45, and 46, I read as follows :

“44. Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you ; of them shall ye buy bondmen and bondmaids.

“45. Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land : and they shall be your possession.

“And ye shall take them as an inheritance for your children after you, to inherit them for a possession ; they shall be your bondmen forever : but over your brethren the children of Israel, ye shall not rule one over another with rigour.’

“This was the law given to the Jews soon after they left Egypt, for their government when they should reach the land of promise. They could have had no slaves then. It authorized the introduction of slavery among them when they should become established in Canaan. And it is to be noted that their bondmen and bondmaids to be bought, and held for *a possession and an inheritance* for their children after them, were to be of the heathen round about them. Over their brethren they were not to rule with rigor. Our Southern system is in strict conformity with this injunction. Men of our own blood and our own race, wherever born, or from whatever clime they come, are free and equal. We have no castes or classes among white men,—no ‘upper tendom’ or ‘lower tendom.’ All are equals. Our slaves were taken from the heathen tribes,—the barbarians of Africa. In our households they are brought within the pale of the covenant, under Christian teaching and influence ; and more of them are partakers of the benefits of the gospel than ever were rendered so by missionary enterprise. The wisdom of man is foolishness ; the ways of Providence are mysterious. Nor does the negro feel any sense of degradation in his condition ; he is not *degraded*. He occupies and fills the same *grade* or rank in society and the State that he does in the scale of being ; it is his natural place ; and all things fit when nature’s great first law of order is conformed to.

“Again : Job was certainly one of the best men of whom we read in

the Bible. He was a large slaveholder. So, too, were Isaac and Jacob, and all the patriarchs. But, it is said, this was under the Jewish dispensation. Granted. Has any change been made since? Is anything to be found in the New Testament against it? Nothing,—not a word. Slavery existed when the gospel was preached by Christ and His Apostles, and where they preached: it was all around them. And though the Scribes and Pharisees were denounced by our Saviour for their hypocrisy and robbing ‘widows’ houses,’ yet not a word did He utter against slaveholding. On one occasion He was sought for by a centurion, who asked Him to heal his slave, who was sick. Jesus said He would go; but the centurion objected, saying, ‘Lord, I am not worthy that thou shouldst come under my roof: but speak the word only, and my servant shall be healed. For I am a man under authority, having soldiers under me: and I say to this man, Go, and he goeth; and to another, Come, and he cometh; and to my *slave*, Do this, and he doeth it.’ Matthew viii. 8, 9. The word rendered here ‘servant,’ in our translation, means *slave*. It means just such a servant as all our slaves at the South are. I have the original Greek.”

Here the hammer fell. Mr. Stephens asked that he might be permitted to go on, as long as the gentleman from Ohio [Mr. Campbell] had taken up his time. He had but a little more to say. Mr. Giddings, of Ohio, objected; and what follows is the substance of what he intended to say, if he had not been cut off by the hour-rule.

“The word in the original is *δοῦλος*, and the meaning of this word, as given in Robinson’s Greek and English Lexicon, is this,—I read from the book: ‘In the family the *δοῦλος* was one *bound to serve, a slave*, and was the property of his master,—‘a living possession,” as Aristotle calls him.’ And again: ‘The *δοῦλος*, therefore, was never a *hired servant*, the latter being called *μισθωτος*,’ etc. This is the meaning of the word, as given by Robinson, a learned doctor of divinity, as well as of laws. The centurion on that occasion said to Christ Himself, ‘I say to my *slave* do this, and he doeth it, and do Thou but speak the word, and he shall be healed.’ What was the Saviour’s reply? Did He tell him to go loose the bonds that fettered his fellow-man? Did He tell him he was sinning against God for holding a *slave*? No such thing. But we are told by the inspired penman that:

“‘When Jesus heard it, he marvelled, and said to them that followed, Verily I say unto you, I have not found so great faith, no, not in Israel. And I say unto you, That many shall come from the east and west, and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of heaven. But the children of the kingdom shall be cast out into outer darkness: there shall be weeping and gnashing of teeth. And Jesus said unto the centurion, Go thy way; and as thou hast believed, so be it done unto thee. And his servant [or *slave*] was healed in the selfsame hour.’

"Was Christ a *'doughface'*? Did He quail before the slave-power? And if He did not rebuke the lordly centurion for speaking as he did of his authority over his slave, but healed the sick man, and said that He had not found so great faith in all Israel as He had in his master, who shall now presume, in His name, to rebuke others for exercising similar authority, or say that their faith may not be as strong as that of the centurion?"

"In no place in the New Testament, sir, is slavery held up as sinful. Several of the Apostles alluded to it, but none of them—not one of them—mentions or condemns it as a relation sinful in itself, or violative of the laws of God, or even Christian duty. They enjoin the relative duties of both master and slave. Paul sent a runaway slave, Onesimus, back to Philemon, his master. He frequently alludes to slavery in his letters to the churches, but in no case speaks of it as sinful. To what he says in one of these epistles I ask special attention. It is 1st Timothy, chapter 6th, and beginning with the first verse:

"'1. Let as many servants [δοῦλοι, "slaves," in the original, which I have before me] as are under the yoke [that is, those who are the most abject of slaves] count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed.

"'2. And they that have believing masters, [according to modern doctrine, there can be no such thing as a slaveholding believer; so did not think Paul,] let them not despise [or neglect and not care for] them, because they are brethren; but rather do them service, because they are faithful and beloved, partakers of the benefit. These things teach and exhort.

"'3. *If any man teach otherwise, and consent not to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness;*

"'4. He is proud [or *self-conceited*,] *knowing nothing, but doting about questions and strifes of words, whereof cometh envy, strife, railings, evil surmisings.*

"'5. Perverse disputings of *men of corrupt minds, and destitute of the truth, supposing that gain is godliness: from such withdraw thyself.*"

"This language of St. Paul, the Great Apostle of the Gentiles, is just as appropriate this day, in this House, as it was when he penned it, eighteen hundred years ago. No man could frame a more direct reply to the doctrines of the gentleman from Ohio [Mr. Giddings] and the gentleman from Indiana [Mr. Dunn] than is here contained in this sacred book. What does all this strife, and envy, and railings, and 'civil war' in Kansas come from, but the teachings of those in our day who teach otherwise than Paul taught, and 'do not consent to wholesome words, even the words of our Lord Jesus Christ'?"

"Let no man, then, say that African slavery as it exists in the South, incorporated in and sanctioned by the Constitution of the United States, is in violation of either the laws of nations, the laws of nature, or the laws of God!

"And if it 'must needs be' that such an offence shall come from this source as shall sever the ties that now unite these States together in fraternal bonds, and involve the land in civil war, then 'wo be unto them from whom the offence cometh!'"

On July 20th he writes to Linton :

"This morning's mail brought me letters containing the sad intelligence that our only brother was no more on earth. I am truly overwhelmed with grief, and hardly know what to say or how to write to you on the subject. The truth is I can hardly realize the fact. . . . This day week I wrote him a long letter. That letter I am informed he did not live to read ; it reached his office the day after his eyes were sealed in death. And is it so that I shall never see his familiar face and form again ? . . . It seems to me now that if I could recall any unkind word or look I may have given him, that it would afford me consolation. But this cannot be. I shall go home as soon as I can leave here. I did intend to go to New York next Saturday, but that is out of the question now. I was going there to make a speech ; but I do not now feel as if I could make any speech this summer. I must see after the family of my poor brother, and must do what I can to keep those most dear to him from want."

Several following letters show how greatly he suffered at his brother's loss. He cannot think of him without tears. The family, he writes, must be kept together, at least for a while. "The bitter pangs attending the breaking up of a family I remember too well ever to advise a similar course when it can be prevented."

Before the time of which we are now writing, a close friendship had grown up between Linton Stephens and R. M. Johnston, and they had been law-partners since the year 1854. This connection had led to a more intimate acquaintance with the elder brother ; and it was in this year (1856) that the idea of preparing this biography was first conceived. From this time a correspondence was kept up with Mr. Stephens relating to the events of his life, from which we shall henceforth quote, as well as from that with Linton.

The first letter of this series which we present was written at Washington, August 12th, 1856. In it Mr. Stephens thus alludes to the Presidential candidates of that year :

"I see from the papers that the Fillmore men are trying hard to get up a movement in his favor ; but I cannot think it will amount to much. The people are putting the issues of the present canvass too much upon the past records of Fillmore and Buchanan. Old issues are past and dead. . . . The great question now is : how do those gentlemen stand upon the living issues of the day ? Mr. Fillmore was and is against the Kansas Bill. Nearly all his friends at the North are for restoring the Missouri



Restriction. Mr. Buchanan has approved that bill, and all his friends, North and South, are for maintaining its principles for all time to come. This is the question. The position of Mr. Fillmore and his party North, at present, is not much better for the South, on this question, than that of Fremont. The only difference between him and Fremont is that he is not so rank an Abolitionist in his tendencies and associations as Fremont. But so far as the Kansas Bill is concerned, I see but little difference between them. Fremont's election would bring into power such men as Hale, Wilson, and Co., and hence is much more to be deprecated than the election of Fillmore. But Fillmore does not stand the ghost of a chance before the people. His only chance is in this Black Republican House, and that is a slim one."

The rest of the correspondence of this year which we shall quote is to Linton.

*August 19th.*—"Much to my disappointment and annoyance, I am detained here. An extra session has been called. It was a most unwise step, in my opinion. Indeed, I doubt if it has been the result of stupidity altogether. . . . I do verily apprehend that Mr. Pierce is lapsing back into his original policy in regard to Kansas. I fear the cloven foot will be shown in his message. It will be part of my earnest efforts to prevent such a relapse if possible. But what is to come of this extra session the Ruler above, who shapes the destinies of nations, only knows. I *must* stay."

*August 22d.*—"We have just taken the final vote on the motion to lay on the table a motion to reconsider the vote of the House by which they had declared their adherence to their proviso scheme. The vote was 96 to lay on the table to 95 against it. One vote against us. This is the end of the bill. . . . Seven more Southern men absent than Northern: that is, without pairing. If our men had stayed, we should have been triumphant to-day. On several votes we lost two to three Southern men who were too *drunk* to be brought in."

*August 23d.*—"We may reconsider on Monday our vote whereby we agreed to adhere to the proviso. And if so, we may get out of the woods. But I am enraged at the last vote. Rust, of Arkansas, was out,—lost his vote. It seems impossible to keep Southern Representatives in their seats. About one-tenth of them need a master. If our men had all been here to-day we should have beaten the enemy by a clear majority of three."

On August 30th Congress adjourned. Mr. Stephens at the time was under medical treatment, and had to delay his departure for a few days, anxious as he was to be at home. He writes on August 31st:

"I get great numbers of letters from Pennsylvania, Ohio, Indiana, Illinois, urging me to go to those States; but not a line from home. My

intention is to go home as soon as I can get there. I do not like the tone of our Georgia papers. It makes me almost despair of the future of our section. I fear we are doomed to divisions and factions. I cannot believe, however, that the Fillmore movement can result in anything more than in sowing seeds of mischievous divisions hereafter. . . . I understand that the Republicans have spent five hundred thousand dollars on Pennsylvania. These merchants of the North, who have grown rich out of us, are shelling out their money like corn now to oppress us; and yet thousands, even of Georgians, would sing hosannahs at the triumph of our enemies!"

Immediately upon his return, Mr. Stephens visited the family of his late brother, arranged for the settlement of his debts, and bought a house and lot in Crawfordville for the family.

He entered into the political campaign with his usual energy. In the course of it an angry correspondence sprang up between him and Mr. B. H. Hill, which led to a challenge from Mr. Stephens. Mr. Hill, however, declined the challenge.

*December 15th.*—He writes from Washington :

. . . "I have been urging all the influences I could bring to bear upon the Supreme Court to get them to postpone no longer the case on the Missouri Restriction before them, but to decide it. They take it up to-day." [This was the famous Dred Scott case, decided March 6th, 1857.] "If they decide, as I have reason to believe they will, that the restriction was unconstitutional, that Congress had no power to pass it, then the question,—the political question,—as I think, will be ended as to the power of the people in their Territorial Legislatures. It will be, in effect, a *res adjudicata*. The only ground upon which that claim of power can then rest will be General Cass's 'Squatter Sovereignty' doctrine; that is, that they possess the power, not by delegation, but by inherent right; and you know my opinion of that."

*December 30th.*—In his letter to his brother of this date, a faint foreboding, or rather the idea of a possibility, finds an expression, which, unlikely as it seemed, was to be realized long after.

"If you," he says, "were to be called hence, my existence would be miserable indeed. I do not know how I could bear it. But if I were to be called, your lot would not be so bad. You have other reliances for support and sustainment. The thought that by possibility I may be detained on the stage of action longer than you, fills me with the deepest gloom."

## CHAPTER XXX.

Adroit Strategy of the Republicans—Their Rapid Growth—The Dred Scott Case—Speech on the President's Message—Death of Mrs. Linton Stephens—Sad and Solemn Thoughts—Remarks upon Pickpockets—Mr. Douglas.

THE year 1857 opened hopefully for the friends of Constitutional Union. The passage of the Kansas Bill, the reduction of the tariff, and the election of Mr. Buchanan on a platform endorsing the slavery adjustment of 1850, and the Territorial policy of 1854, all seemed to indicate a determination on the part of the people to reprobate the schemes of the agitators and disunionists, and maintain the Union on principles of justice and amity. Yet to the observant eye the future was full of danger. The agitators were indefatigable in action and inexhaustible in resources. Their opposition to the Territorial policy of Congress had given them a taking popular cry, and a platform on which all could agree, and on which they had organized a combination under the name of the Republican party, which, taking dexterous advantage of a fit of popular irritation against the Mormons, adroitly coupled Polygamy with Slavery as "twin relics of barbarism," and asserted the right of Congress to prohibit both in the Territories. The Presidential election showed the rapid strides they were making. In 1844 the Abolitionists first put a candidate in the field for the Presidency, who received a popular vote of nearly 65,000, but no electoral vote. In 1848 they again, under the name of Free-Soilers, nominated a candidate, who, it is true received no electoral vote, but polled a popular vote of nearly 300,000. In 1852 they fell off, polling only 156,000 votes, owing to the general satisfaction that was felt at the Compromise of 1850. But they counted safely on the irresistible power of persistent agitation. The election of 1856 showed the startling result of an electoral vote of 114, or

*eleven States*, for the Republican candidates. It was easy to see that, though yet in the minority, this party was increasing with alarming rapidity, which, unless checked, would make it triumphant in the next election. The spirit of sectionalism, also, had borne its evil fruit; and already the alliance between the Constitutional parties of the North and South, the only barrier against disunion, was being weakened by jealousy and suspicion. While their enemies formed a compact phalanx, unwearied in their exertions, these were growing careless, and beginning to divide into sections, each over-confident in itself and suspicious of its natural allies. The doctrines of Know-Nothingism had also acted as a powerful solvent. On the whole, the situation, apparently hopeful, was full of peril,—peril only to be averted by what was never to be obtained: a firm alliance of all, North and South, who desired justice to all, and the Rights of the States preserved in the Union, under a strict construction of the Constitution.

We resume the correspondence with Linton:

*January 1st, 1857.*—"I send you my New Year's salutation. Eighteen hundred and fifty-seven is duly registered. When I gazed for the first time on the new-born this morning, it seemed to be snugly wrapped in a beautiful mantle of snow. . . . To-day I send you the speech of Curtis on the Dred Scott case before the Supreme Court. The speech I think chaste, elegant, forensic; but I do not think it convincing. The case is yet undecided. It is the great case before the court, and involves the greatest questions, politically, of the day. I mean that the questions involved, let them be decided as they may, will have greater political effect and bearing than any others of the day. The decision will be a marked epoch in our history. I feel a deep solicitude as to how it will be. From what I hear, *sub rosa*, it will be according to my own opinions on every point, as abstract political questions. The restriction of 1820 will be held to be unconstitutional. The judges are all writing out their opinions, I believe, *seriatim*. The chief justice will give an elaborate one. Should this opinion be as I suppose it will, 'Squatter Sovereignty speeches' will be upon a par with 'Liberty speeches' at the North in the last canvass."

*January 3d.*—"I have the floor to make a speech on the President's message. I suppose Tuesday will be as soon as I shall speak. Monday is Resolution-and-Humbug-Day generally. . . . The late election, its issues and its results, will be my theme."

On January 6th he delivered the speech before a House

densely crowded, both floor and galleries, by an eagerly attentive audience. He began by alluding to the great crisis through which the country had passed, and its escape from immediate danger, and congratulating "the House, the country, and even you, Mr. Speaker,\* against your will, upon our safe deliverance." He then refers to the political principles which had triumphed in the election of Mr. Buchanan on the Cincinnati platform,—the principle that "there shall be no Congressional prohibition of slavery in the common territory," and the principle that "new States arising in the common Territories shall be admitted as States, either with or without slavery, as their inhabitants may determine." Alluding to the Kansas Bill, he took occasion to eulogize its Northern supporters; for in the midst of his gratification at the success just gained, he was not blind to the dangers that still threatened, and he knew that the only hope of the South in the Union lay in a firm alliance with the Constitutional Union men of the North.

"I know something," he says, "of the difficulties attending its passage [the Kansas Bill],—the violence, the passion and fanaticism evoked against it. I well remember the opinions then given,—that the North would never submit to it; and that the seats then filled by those who voted for it from that section, would never again be filled by men of like sentiments. By indignant constituencies such members were to be driven forever from the public councils. Forty-four members from the North in this House voted for the bill, only one of whom, I believe, acted with its enemies in the late struggle for its maintenance. To the present House, owing to causes that I need not mention, only eighteen were returned from that section in favor of it. This was matter of great boast at the time. But, sir, to the next House we have forty-nine members already chosen from the North at the late elections upon the distinct issue of their advocacy of this bill. This is five more than the number originally for it: the cause grows stronger instead of weaker. This is one of the results of the late election particularly gratifying to me in itself. It shows what men of nerve, with fidelity to the Constitution, relying upon the virtue, intelligence, loyalty, and patriotism of the people, can effect. Language would fail me in an attempt to characterize as they deserve those sterling and noble spirits who bore the Constitutional flag in the North against the popular prejudice and fanaticism of the people of their own section in this contest.

"Sir, it is an easy thing for a man to drift along with the popular cur-

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\* Hon. N. P. Banks.

rent. Any man can do that. Honors thus obtained are as worthless as they are cheap; but it requires nerve—it requires all the elements that make a *man* to stand up and oppose men in their errors, and advocate truth before a people unwilling to hear and receive it—to speak to those who ‘having ears, hear not, and having eyes, see not.’ History furnishes some examples of this sort; but the history of the world, in my judgment, has never furnished nobler and grander specimens of this virtue than the late canvass in the North. When a man discharges his duty upon any occasion, he deserves respect and admiration; but when a man discharges his duty against the prevailing prejudices of those around him, and even against his own natural feelings and inclinations, that man commands something higher than respect and admiration. The elder Brutus, who sat in judgment and pronounced sentence against his own son, silencing the adverse promptings of a father’s heart, made himself ‘the noblest Roman of them all’; and those statesmen at the North to whom I allude, who had the nerve, in the crisis just passed, to stand up and vindicate the right, under the circumstances in which they were placed, give to the world an instance of the moral sublime in human action never surpassed before. Our history furnishes no parallel with it. They bore the brunt of the fight. To them the preservation of the Republic is due; and if our Republic proves not to be ungrateful, they will receive patriots’ rewards,—more to be desired than monuments of brass or marble,—honored names while living, and honored memories when dead.”

After showing that the Kansas and Nebraska Bill, which the Northern agitators had denounced as an insult to their section, was framed in strict conformity with the Utah and New Mexico Bills and the settlement of 1850, he touches the topic of “squatter sovereignty,” a name which had been given to the doctrine that the people of a Territory possess sovereign powers previous to their organization into a State, and independently of any action of Congress,\* and shows that no such doctrine is implied in the Kansas Bill. He then proceeds thus:

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\* The rational and logical doctrine, at least from an American point of view, would seem to be this, that any community has the right to change its form of government, and, if a territory, province, or other dependency, to organize itself into a sovereign and independent State; and by such action and organization it does, *ipso facto*, so become. This is simply the universally-admitted right of revolution. Now if this action be forcibly resisted by the power of which it has declared itself independent, the question, not of its independence, but of its *ability to maintain* that independence, comes to be tested, and if adversely decided, the new State lapses once more into dependency, and loses its sovereignty by the submission of its

"But the practical point, looking to the probable prospect of any of these Territories becoming slave States, dwindles into perfect insignificance in view of the principle involved. That principle is one of constitutional right and equity. Its surrender carries with it submission to unjust and unconstitutional legislation, the sole object of which would be to array this Government, which claims our allegiance, in direct hostility, not only to our interests, but the very frame-work of our political organizations. Who looked to the practical importance of the 'Wilmot Proviso' to the South in 1850, when it was attempted to be fixed upon New Mexico and Utah, with half so much interest as they did to the principle on which it was founded? It was the principle that was so unyieldingly resisted then. It was this *principle*, or the threatened action of Congress based upon it, which the whole South, with a voice almost unanimous, including the gentleman himself [Mr. H. Marshall, of Kentucky], then said, '*They would not and ought not to submit to!*' Principles, sir, are not only outposts, but the bulwarks of all constitutional liberty; and if these be yielded or taken by superior force, the citadel will soon follow. A people who would maintain their rights must look to principles much more than to practical results. The independence of the United States was declared and established in the vindication of an abstract principle. Mr. Webster never uttered a great truth in simpler language—for which he was so distinguished—than when he said, 'The American Revolution was fought on a preamble.' It was not the amount of the tax on tea, but the assertion (in the preamble of the bill taking off the tax) of the right in the British Parliament to tax the colonies, without representation, that our fathers resisted; and it was the principle of unjust and unconstitutional Congressional action against the institutions of all the Southern States of this Union that we, in 1850, resisted by our votes, and would have resisted by our arms if the wrong had been perpetrated. Those from the

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people. But it is an error to suppose that revolution is of necessity accompanied by violence, or must be resisted by the supreme power. In the relations of the United States with their Territories, provision is expressly made for accomplishing this act of revolution peacefully, and indeed with encouragement. So soon as the population of a Territory have reached a certain numerical proportion they organize themselves into a State, and *by so doing* become a free, sovereign, and independent State. Their subsequent application for admission into the Union of States is a voluntary act on the part of the new State; but it is the *condition* on which the United States agree to acknowledge the new State as an independent State. If this condition were not complied with, the United States would have the right to compel its observance by force, or use force to reduce the new State to its former Territorial condition. Thus the organization of a Territory into a sovereign State is a simple act of revolution; a revolution to which no resistance is offered by the mother-country (the other States conjointly) provided certain conditions are complied with.

South who supported the New Mexico and Utah Bills did so because this principle of Congressional restriction was abandoned in them. It was not from any confidence, in a practical point of view, that these Territories ever would be slave States. The great constitutional and essential right to be so if they chose was secured to them. That was the main point. This, at least, was the case with myself; for when I looked out upon our vast Territories of the West and Northwest I did not then, nor do I now, consider that there was or is much prospect of many of them, particularly the latter, becoming slave States. Besides the laws of climate, soil, and productions, there is another law not unobserved by me, which seemed to be quite as efficient in its prospective operations in giving a different character to their institutions, and that is the law of population. There were, at the last census, nearly twenty millions of whites in the United States, and only a fraction over three millions of blacks, or slaves. The stock from which the population of the latter class must spring is too small to keep pace in diffusion, expansion, and settlement with the former. The ratio is not much greater than one to seven, to say nothing of foreign immigration and the known facts in relation to the tardiness with which slave population is pushed into new countries and frontier settlements. Hence the greater importance to the South of a rigid adherence to principles on this subject vital to them. If the slightest encroachments of power are permitted or submitted to in the Territories they may reach the States ultimately. And although I looked, and still look, upon the probabilities of Kansas being a slave State, as greater than I did in the case of New Mexico and Utah, yet I voted for the bill of 1854 with the view of maintaining the *principle* much more than I did to such practical results. As a Southern man, considering the relation which the African bears to the white race in the Southern States as the very best condition for the greatest good of both; and as a national man, looking to the best interests of the country, the peace and harmony of the whole by a preservation of the balance of power, as far as can be (for, after all, the surest check to encroachments is the inability to make them), I should prefer to see Kansas come into the Union as a slave State; but it was not with the view or purpose of effecting that result that I voted for the Kansas Bill, any more than it was with the view or purpose of accomplishing similar results as to New Mexico and Utah that I supported the measures of 1850. It was to secure the right to come in as a slave State, if the people there so wished, and to maintain a principle which I then thought, and still think, essential to the peace of the country and the ultimate security of the rights of the South."

After alluding to the misrepresentations of those opposed to the Kansas Bill, who had asserted that the question at issue was whether Kansas should be a slave State or a free State,—a contest between freedom and slavery; whereas it really was the far



more important question whether the people of Kansas had or had not the right to determine the former question for themselves, at the proper time, uninterfered with by Congress,—he thus concludes :

“Its passage was not a triumph of the South over the North, further than a removal of an unjust discrimination against her people, and a restoration of her constitutional equality may be considered a triumph. To this extent it was a triumph; but no sectional triumph. It was a triumph of the Constitution. It was a triumph that enhanced the value of the Union in the estimation of the people of the South. The restriction of 1820 had been for many years in the body politic as a ‘thorn in the flesh,’ producing irritation at every touch. On the principles upon which it was adopted (reluctantly accepted as an alternative at the time by them) the South would have been, and was willing to acquiesce in and adhere to it in 1850. But it was then repudiated, again and again, by the North, as was shown by me in this House on a former occasion. The idea of its having been a sacred compact, or being in any way binding, was scouted at and ridiculed by those who have raised such a clamor on that score since. This thorn was removed in 1850. The whole country seemed to be relieved by it. It would have been completely relieved by it but for the late attempt to thrust back this thorn. This attempt has been signally rebuked. And may we not now look to the future with hopes—well-grounded hopes—of permanent repose? Repose is what we want. With that principle now established, that each State and separate political community in our complicated system is to attend to its own affairs, without meddling with those of its neighbors, and that the General Government is to give its care and attention only to such matters as are committed to its charge, relating to the general welfare, peace, and harmony of the whole, what is there to darken or obscure the prospect of a great and prosperous career before us? Men on all sides speak of the Union and its preservation as objects of their desire; and some speak of its dissolution as impossible,—an event that will not be allowed under any circumstances. To such let me say that this Union can only be preserved by conforming to the laws of its existence. When these laws are violated, like all other organisms, either political or physical, vegetable or animal, dissolution will be inevitable. The laws of this political organism—the union of these States—are well defined in the Constitution. From this springs our life as a people. If these be violated, political death must ensue. The Union can never be preserved by force, or by one section attempting to rule the other.

“The principle on this sectional controversy, established in 1850, carried out in 1854, and affirmed by the people in 1856, I consider, Mr. Speaker, as worth the Union itself, much as I am devoted to it, so long as it is devoted to the objects for which it was formed. And in devotion to it, so

long as these objects are aimed at, I yield to no one. To maintain its integrity,—to promote its advancement, development, growth, power, and renown, in accomplishing those objects, is my most earnest wish and desire. To aid in doing this is my highest ambition. These are the impulses of that patriotism with which I am imbued ; and with me

‘ All thoughts, all passions, all delights,  
Whatever stirs this mortal frame,  
All are but ministers of love,  
And feed this sacred flame.’

But the constitutional rights and equality of the States must be preserved.”

*January 15th.*—Mrs. Linton Stephens has been dangerously sick since the birth of her child. Alexander writes in great anxiety, and begs his brother to bear with patience whatever Providence may have in store. The letter thus closes :

“ May He who rules over us and shapes our destinies guard and protect you, watch over and protect her who always puts trust in Him ! I write this in the House in the midst of confusion. I can only say, God be with you, and be merciful to you in sparing her who is so dear to you, and whose speedy recovery is my earnest desire and prayer.”

*January 18th.*—Mrs. Linton Stephens had died, and he had been informed of the death by a letter from a friend.

“ I do wish I had been there ; not only that I might have seen her once more in this life, but that I might have mingled my sorrow with yours, and thus have afforded you at least the small comfort of the sympathy of a heart not unused to the bitterest pangs that life can bear. Few mortals have suffered more than I have ; and few that see me and associate with me daily, have a conception of what torture and misery I endure. But of all the sufferings I have ever yet been subjected to, the loss of dear ones is the worst. This is like cutting the very heart-strings of life. I felt it on the death of our dear father, whose dead form now lies stretched before me in my mind’s eye. Then my cup of grief was near running over. One more drop, and I should have sunk and died under it. I felt something of the same upon the death of my brother Grier. These were the most severe trials of my life. I have felt deep grief upon many other occasions ; but on those, the very nerves of my life were touched. I have no doubt that you have felt, or do now feel, that deep agony of the soul that I then felt. Oh, how I sympathize with you, and how I wish I could be with you ! I think of you day and night. If I were not afraid of being detained on the road in exposure that would jeopard my life, I

would go immediately to see you. But such is the condition of the roads, I fear to start. The appearance this morning indicates another snow before to-morrow. I to-day raised blood upon coughing. . . . I want to see you and talk to you. But as this is impossible at present, let us commune as often on paper as we can. May Heaven watch over, guard, and protect you!"

*February 1st.*—Another long letter of condolence, concluding thus :

"Mr. Toombs has just come in, and I must close. He feels deeply for you. In speaking of the death of Mr. Brooks the other day in the Senate, he broke out in weeping and had to stop. I never saw him shed tears before. His heart was full and ran over. He had heard the day before of sister Em's death, and it seemed to me then, when I told him, that it had a peculiar effect upon him. His whole soul seemed to be touched."

About this time Mr. Stephens paid a visit to his bereaved brother, and there is a break in the correspondence. After his return he wrote very frequently, letters full of sympathy and consolation. Fearing lest Linton may let despondency prey upon him, as his letters seem to forebode, those of Alexander have a more decidedly religious cast, and the teachings and promises of the Christian faith are a frequent theme, and are urged upon his brother with a solemn and reverent tenderness. He once or twice alludes to his own severe and manifold trials, as in the following passage :

"No mortal has ever had more reason to despair—to curse his fate and die—than I have had ; and few men, I imagine, have ever suffered more deeply and intensely. I have sometimes been on the very brink of despair : but I have borne all, and believe that I am better in consequence. Out of the very bitterest weeds of life I draw sweetness and consolation ; out of disappointments, crosses, and ills I extract comfort and hope. . . . The subject of the condition of the spirits of the dead, whether they are in a conscious state or not, whether or not they are permitted to look on and see what we the survivors are doing, was once a matter of most perplexing thought to me. But these are matters not intended for mortals to know ; and no good can come of thinking upon them. It is sufficient for me to be resolved that if the spirits of those most dear to me when living, who are now departed, do look on and see what I am doing, they will be gratified at what I do or try to do. In my severest grief for the death of friends, the best consolation I ever had was the reflection that those friends would be pained to know that I was suffering so much on their account. This thought has checked many a sigh and tear. . . . Father told me, two nights

before he died, that he thought he should die. We were alone, and he talked a long time with me. He enjoined upon me how I should act in case he died. All my energy came from those dying injunctions. At least in my greatest grief, a resolve to perform them was the ruling passion that prevailed. And it is a ruling passion with me yet. His memory I can never forget. And it seems to me that I should never have been happy since his death had it not been for the reflection that he would take pleasure in seeing me happy. And now again good-by. May God, the God of our common father, protect and sustain you and make you still useful and happy in your day and generation !”

His brother seemed drawn even closer than before to his heart by this sorrow. His letters of sympathy never cease, whether he be at home or travelling. His thoughts, he says, by day and night, and even his dreams, are of his brother. On the 15th of June he writes :

“I have no object on earth but you and your happiness to engross my mind. I am thinking of you nearly all the time. Business I have to attend to, but in business, at home or abroad, you are in my mind.”

This year Linton Stephens was again a candidate for Congress, his opponent being the Hon. Joshua Hill. Alexander took a warm interest in his brother’s canvass, and made several speeches in his district. Linton, however, was beaten at the election by about the same majority as in 1855.

Alexander left for Washington in the latter part of November, and while on the cars had his pocket-book stolen, containing some hundred and fifty dollars in money, and about twenty thousand dollars in promissory notes belonging to himself and clients. The book and papers were recovered in a few hours, but the money was gone.

On November 29th he writes from Washington :

“I called on Cobb, and found him well, and apparently in good spirits. He is to come round here to-night. The Administration have staked their all upon sustaining the Kansas Constitution, as it may be ratified. Walker is here, and is going to break with them. Forney will back Walker, but I hear of no other disaffection at present.”

*December 1st.*—He again alludes to the loss of the pocket-book, in which, besides money and notes, there were several land-warrants belonging to poor constituents.

"I was truly lucky in recovering the pocket-book; and luckier still in not losing it before I had paid out the large amounts I had taken down with me. The truth is, I did not feel very uneasy about the papers. I felt sure they would not be destroyed. Those pickpockets, after all, are a downright clever honest sort of people in their way. They have no malice. They commit no wanton destruction of property. They take the money,—that is all they are after. I have a sort of kindly feeling towards them, particularly since they saved me all my papers, including the land-warrants, that I had counted as a dead loss. . . . Everything here is in a better condition than I feared it would be. The Administration is for the Kansas Constitution, and I think the Northern Democrats will generally be so too. . . . Orr will be Speaker. I have forbidden my name to be used in connexion with the office. Orr is for the Kansas Constitution, and on that line I am for organizing the House, with as much harmony as possible. The signs are now good; but perhaps, like a bright May morning, the horizon may soon be closed in by clouds portending storm. I was glad to hear that old Mat [an old servant] was better. Poor old woman! When I left, I thought she was low-spirited and rather hysterical."

*December 4th.*—"I have seen Douglas twice. He is against us: decidedly, but not extravagantly, as I had heard. He puts his opposition on the ground that the Kansas Constitution is not fairly presented. He looks upon it as a trick, etc. His course, I fear, will do us great damage. The Administration say they will be firm. He and they will come into open hostility, I fear. . . . I felt sanguine four days ago: now I hardly know what sort of feelings to indulge in. It is said that all Pennsylvania, New York, and Connecticut will stand firm, even against Douglas; but I doubt."

*December 25th.*—"This morning I got your letter of the 20th, the one in which you spoke of Rio, and told me he had been howling, off and on, all the evening. Poor dog! How that news affected me! I wonder if he was howling for his master,—if he was grieving for my absence. The thought that he might be touched me deeply, and made me sad. I have been sad all day. . . . Mr. Toombs reached here this morning. He called up soon; but notwithstanding all his hilarity and flow of spirits, I could not drive off the melancholy which the thought of my poor dog's howling for me produced."

## CHAPTER XXXI.

Kansas again—Walker the Filibuster—Interview with the President—"A Battle-Royal"—Defection of Southern Know-Nothings—A Hard Struggle—Intense Anxiety—Kansas Bill passes both Houses—Speech on the Admission of Minnesota—A Bird of Ill-omen—British War-Steamer *Styx*—A Reception at Athens—The Orator in a Panic—A Summer Tour—No Desire for the Presidential Nomination—Visit to President Buchanan.

IN December, 1857, Kansas had applied for admission as a State under what was called the Lecompton Constitution. In the formation and ratification of this the Free-Soil partisans in the Territory had taken no part, their plan being to form a separate constitution in conformity with their views. The admission of Kansas under the Lecompton Constitution, the expedition sent to enforce the execution of the laws in the Territory of Utah,—popularly known as the Mormon War,—and Walker's filibustering movements in Nicaragua, were the topics of interest and excitement in the early part of this session.

On January 3d, 1858, he writes to Linton :

"We have no news. The Walker and Paulding imbroglio just now embarrasses us. Our sympathies are all with the filibusters. We do not agree with the Administration on this Central American question ; but if we denounced it as we feel it deserves to be, we endanger their support of our views of the Kansas question. This we fear. The strength of that question in the North lies in its being an Administration measure ; but if we of the South oppose the Administration on one question, it affords a pretext for men of the North to oppose it on another, and yet be good party men. In this way the question embarrasses us. . . . We meet to-morrow, and shall have a great deal of steam and gas let off, I expect, upon all sorts of questions. At present our count on the Kansas question is : two from Connecticut, ten from New York, three from New Jersey, twelve from Pennsylvania, three from Indiana, two from Ohio, one from Illinois—thirty-three in all,—enough to carry it in the House if all the South vote with us, and seven to spare. It is safe in the Senate."

*January 20th.*—"I never had so much work—hard work—to do before.

I am at it night and day. I seldom get to bed before twelve and one o'clock, and am up at half-past seven. I am wearing out. I wish I had not consented to come here. I see but little good I can do. I am opposed to most of the policy, as far as I can perceive it, of the present Administration. The Walker-Paulding affair I look upon as a great outrage. In my late letter to you, I believe I said that I could not afford to quarrel with them at present. But when I saw what they were doing I could not keep my mouth closed, but I kept back my wrath. The reason of their line of policy and opposition to Walker was their hostility to his enterprise because if successful he would introduce African slavery there. This is the whole upshot of the business. It is the object of this Government, in conjunction with the British, to prevent any colony or state arising in Central America on the basis or status of the Southern States."

*February 3d.*—"My interview with the President took place last night at the appointed time. I think it fortunate for him, in some respects, that he sought it. He submitted his message to me, which was sent in yesterday. At my suggestion he made three very important modifications, I think. I insisted on his making another, which he declined to do. This is the only real or solid objection I have to the message as it now stands,—that is, the opinion expressed that by the Kansas Bill the Slavery question was to be submitted to the popular vote. That is a great error; but he 'had sworn that the horse was fifteen feet high,' and he must needs stand to it. I am fully persuaded that if I had had an interview with him on that first message before it was sent in, that error would never have been committed. This I am led to believe from his general bearing. On all the other points he seemed quick to take an idea and perceive its force, and as readily yield to it as any man I ever conversed with. The conclusion I came to is that Mr. Buchanan really means to do right. What he most needs is wise and prudent counsellors. He is run down and worn out with office-seekers, and the cares which the consideration of public affairs has brought upon him. He is now quite feeble and wan. I was struck with his physical appearance; he appears to me to be failing in bodily health.

"We have now the Kansas question in full blast. The vote will be close. A sort of test-vote was taken in the House yesterday on the motion to adjourn. We lost it by four,—three Southern men out of their seats. Had they been in their places, where they ought to have been, the Speaker would have brought it to a tie. As it was, the apparent strength of the opposition on the first skirmish emboldened and encouraged them, and caused our Northern friends to tremble in their knees. I have been more provoked at the course of Southern men on this Kansas question from the beginning than upon any other subject in my public career. I mean their culpable negligence."

*February 5th.*—"I fear we shall be beaten on the admission of Kansas. The Northern Democrats do not stand up as they have been counted; and

our *mean* Southern men will not stay in their places. Last night we had a battle-royal in the House. Thirty men at least were engaged in the fistcuff. Fortunately, no weapons were used. . . . Nobody was hurt or even scratched, I believe; but bad feeling was produced by it. It was the first sectional fight ever had on the floor, I think; and if any weapons had been on hand it would probably have been a bloody one. All things here are tending to bring my mind to the conclusion that the Union cannot or will not last long."

The letters of this period have frequent references to his health, which was very bad; and his mental depression combined with his bodily ailments to make him wish himself safe out of the turmoil and trouble, where, as he said and thought, he was "making a useless sacrifice of himself for nought, and nought only."

"I am wearing out my life for nothing. To mix daily with men who have no patriotism, and no object but their own little selfish ends, is disgusting to me. If the admission of Kansas is carried, I shall be done with politics. It is a business I take no pleasure in. . . . I have done my part. Some other must take my place. The rest of my life, whether long or short, I wish to spend in quiet retirement and uninterrupted solitude. Physical pains I am used to: mental pains as well. No change can increase either. My fortitude, I trust, will never fail me in whatever may await me in the future. . . . If the South would but have the right sort of men here, there would not be the least difficulty. We should carry the Lecompton Constitution, and achieve the greatest triumph in our history. But patriotism is defunct, public virtue is gone, integrity is gone, or at least all these high qualities are fast dying out."

*March 11th.*—"Last night our Committee of fifteen agreed upon a report. I drew it up and submitted it. The labor of drawing up the report was nothing compared with that of looking after the members of the Committee and getting them to be present and ready to sustain it. I do not believe another man, in the House or outside, would have done it. But I succeeded. I wished to offer it next day in the House, but our side thought it best to wait on the minority. I agreed to do so for a week, and did wait a week until yesterday. The minority was not ready. I then presented the report, which could be carried only by unanimous consent. That was not given, and I had it printed. All the time I had urged the Democrats to keep in their places; for I expected Harris to spring some question in the House. To-day he did this by raising what he called a question of *privilege*, alleging that a majority of the Committee had not executed the order of the House. This was to keep the report from ever being made. The Speaker decided, very properly, that it was not a question of privilege. But with a majority they could overrule the decision of



the Chair. He moved a call of the House. But in the call of the roll there were twenty-two Democrats—Lecompton men—absent, and only five anti-Lecompton. Thirteen of the twenty-two were from the South. Had they been present we should have saved the question. How shamefully the South is represented! Some of the Southern men were too drunk to be got into the House. We got a postponement of the question until to-morrow. In the vote to-day H. Marshall and all the Maryland Know-Nothings voted with the Republicans. . . . I am very apprehensive that we shall be beaten, but it will be by the South. I am almost overwhelmed with mortification to think that the deed will be done by our own people. My heart is sad—sad—sad. . . . If we should separate, what is to become of us in the hands of such representatives? Have we any future but miserable petty squabbles, parties, factions, and fragments of organizations, led on by contemptible drunken demagogues? My country—what is to become of it! It is the idol of my life. Her glory, her prosperity, her welfare, happiness and renown. Perhaps it is too much my idol; but it has been the absorbing object of my life's ambition; and yet all is, I fear, about to be blasted."

*March 12th.*—"We had a fight again in the House—not fisticuffs, but parliamentary—on Harris's appeal from the decision of the Speaker. As usual, we lost the question by the absence of two Southern votes: Branch, of North Carolina, and Caruthers, of Missouri. Clarke, of New York, a good Kansas man, has the small pox, and could not be there. Luck seems to be against us. We had all our other men there to-day except those paired. Some were so drunk they had to be kept out until they were wanted to say 'ay' or 'no,' as the case might be. The worst thing about it to-day was that H. paired off with Mc——, of California, who would have voted with us on that question, which I think H. knew. Had he not made that pair, and voted with us, as Mc—— would have done, we should have succeeded. I fear H. intended to follow H. Marshall, but being afraid to do it openly, skulked behind a *pair*."

*March 19th.*—"I am very apprehensive that the admission of Kansas under the Lecompton Constitution will fail. The Southern 'Americans' [Know-Nothings], I fear, will abandon us in mass. If so, all is lost. The great fight will come off in the House next Monday or Tuesday, when the Senate Bill will come in. The tactics of the opposition will be to defeat the bill without a direct vote. They will move to refer it to the Select Committee of fifteen. That being a select committee, under the ruling it can never report until all the Committees are called. This can easily be prevented during the whole session, so the question cannot again be brought forward. The Southern 'Americans' will all, I fear (or enough of them), vote for this reference, knowing its effect, while they would perhaps not dare to vote against the bill. This gives me great uneasiness by day and night. I was never so much worn with care and anxiety in my life."

*April 2d.*—"We lost the Senate Bill for the admission of Kansas in the House yesterday. This was as I expected. Six Southern 'Americans' defeated us. Twenty-nine Northern Democrats stood firm. Had all the Southern members stood firm also, our majority with a full House would have been eight.

"I am not yet without hope that the Senate will yet recede from the substitution of Crittenden's bill for the Senate Bill. If so, we may yet succeed over the Republican and Know-Nothing alliance which defeated us yesterday. But on this point I am not so hopeful now as I was yesterday. Northern men now begin to say that they cannot fight Republicans and Southern men both in defence of Southern rights."

*April 7th.*—"The Senate will return us the Kansas Bill with its non-concurrence in the House substitute to-day. To-morrow we shall take a vote on receding or adhering. Our side will be beaten on the vote. We may be able to get a conference asked by the House, but I doubt that. If we do, that will be what our side will be better satisfied with than a vote to adhere. If we adhere, the bill will go back to the Senate, and they will ask a conference. Then it will come back. I *think* we shall then agree, if not before, to a committee of conference. I cannot predict, but will venture the opinion that nothing will be agreed upon but a recommendation that the House recede. Then will come the decisive tug of war. . . . I am still hopeful, but not sanguine. Good-by. I have worked hard, worn out myself in the cause of my country. If I succeed, I shall greatly rejoice on her account. If I fail, the bitterest feeling I shall suffer will arise from the fact that the failure ensued from the defection of Southern men."

On the 17th of April, Mr. Stephens thus wrote to R. M. J. :

"I have been overwhelmed with business. My time is taken up, day and night, with the absorbing question of the admission of Kansas. I am now on the Committee of Conference.\* I am sick, besides, and yet am compelled to be up to give audience to all sorts of views and suggestions. . . . If we can get a recognition of the principle we have been contending for, the right of the State to come in with slavery, or without objection on that score, it is all I can hope for."

*April 26th.*—"My room has been crowded all day and night with friends. The theme was the Kansas question, and the report of the Committee of Conference. The vote on it is still in great doubt. . . . I am now in my seat before the House meets, interrupted every minute by inquiries as to what is the prospect. I am exceedingly harassed, but am as patient as Job. Never did man work harder or effect more than I have done in this matter. The whole labor has been on myself. The most disagreeable reflection attending the whole subject to me is, that all may be for nought, and that we may ultimately fail. This is now my serious apprehension."

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\* Mr. Stephens was head of the House Committee of Conference.

*April 29th.*— . . . “The tide of battle every day ebbs and flows like that of the sea. So uncertain and fickle is man, yes, even grave members and Senators. In proportion to the number, there are more fools in Congress than in any constable’s beat in Taliaferro County. Since the report of the Conference Committee there have been several periods when we could have carried it, if we could have got a vote, by a majority of eight; and I should not be surprised if we should finally lose it by a greater one.”

*May 1st.*—The bill reported by the Committee of Conference for the admission of Kansas as a State, passed both Houses on April 30th. In the lower House it was carried by a majority of thirteen, the same numerical majority by which the Kansas-Nebraska Bill had passed in 1854. Mr. Stephens, referring to its passage, writes:

“Every Southern Democratic Senator present voted for it. Jefferson Davis had himself sent for to record his vote for it. He is in very bad health,—has been extremely ill. I took the paper to him and got his approval of it before I would agree to report it. This is the way I worked the matter with all the leading men from the South.”

After discussing the merits of the Conference Bill, which he prefers to the original Senate Bill, he continues:

“I had a discussion in the House the other day with H. Winter Davis on this Conference Bill. My remarks were impromptu: I had no idea of his making a speech, and no idea of replying to him until a few minutes before he closed. I never made a speech in the House that seemed to please my friends better. The speech reported as Davis’s in the *Globe* is not the speech he made. That he wrote out afterwards, and in it he has tried to anticipate and evade the force of the points I made on him. He has also corrected and interlined sentences in his remarks in the running debate between us, which greatly weaken the apparent force of the points I made on him, when taken into connection with the speech as he has it going before. This is *unbearable*, if there were any way to prevent it. The plan of reporting in the *Globe* is abominable: the whole system is a nuisance. In Davis’s first speech as he made it, he broadly denied and challenged the production of a case, since the admission of Missouri, when a State had been admitted on a condition. He was so completely and thoroughly used up, that the House was several times in a roar of laughter and applause.

“I want to go home soon. I feel it necessary to recruit my health. I am worn out.”

On the 11th of May, Mr. Stephens addressed the House on

the bill for the admission of Minnesota. Several objections had been made, the chief of which, and that to which Mr. Stephens especially addressed his reply, being the assertion that the constitution of Minnesota was in conflict with that of the United States, in permitting persons other than citizens of the United States to vote at State elections. To this Mr. Stephens replied that on the question of the admission of a State into the Union, Congress had only the right to inquire whether its constitution was republican in form, and whether it fairly expressed the will of the people. If any parts of her constitution were at variance with the Constitution of the United States, they were overruled by that Constitution; but that this was a matter to be determined, not by Congress, but by the proper judicial authority, whenever a conflict arose. From this point he passed to the more important question of the rights of the States to determine, each for itself, the qualifications of their own voters at State elections. This was a right which had never been delegated to the General Government, and therefore, by the express words of the Constitution, it was reserved to the people of the several States. This right he showed had been recognized by numerous acts of Congress, coming down from the very formation of the Government.

Here he answered an argument of Mr. Davis, of Maryland, who, taking the decision of the Supreme Court in the Dred Scott case, in which the chief justice had said that the words "people of the United States" in the Constitution were synonymous with "citizens of the United States," had ingeniously coupled this with part of a clause in the Constitution in which that instrument appoints that the Representatives shall be chosen by the "people of the several States." Mr. Davis's argument, if it can be called such, was, that "people of the several States" was the same thing as "people of the United States," and that as these, by the decision of the Supreme Court, were "citizens of the United States," it followed that the admission of any but citizens of the United States to vote for Representatives was unconstitutional. Mr. Stephens simply pointed out that he had taken just so much of the clause in question as seemed to bear him out, and had left out the rest, which completely de-

stroyed his argument. For the clause, after appointing that Representatives in Congress shall be chosen "by the people of the several States," proceeds, ". . . and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature," thus explicitly leaving the States to fix the requisite qualifications, as unrestrictedly as in the case of their own Legislatures.

He then commented upon the decision of the Supreme Court in the *Dred Scott* case, in which it was decided that persons of African race, slaves or descendants of slaves, formed no part of the original aggregate of persons called "people," or "citizens of the United States"; that no State laws could confer that citizenship upon them; but that the State could confer upon them the privilege of suffrage within its own limits, and no more. From this decision Mr. Stephens conclusively argued that Minnesota might confer upon persons who were not citizens of the United States the rights of State-citizenship, and with the rest the right to vote for members of the State Legislature and for Representatives in Congress, without violation of the Constitution of the United States.

*May 14th.*—"When I received your letters I was thinking of this day thirty-two years ago. It was on that day your mother followed our common father to the world of spirits, leaving you, as I was left before, an orphan in the complete sense of the word,—a helpless child, without father or mother. The day you have perhaps no recollection of; but well do I recollect it. It was the consummation of my woes at that period of my life; that was the day on which the fate of our little family circle was sealed. Soon we were scattered; and never did the family hearth blaze in cheerfulness again. A few nights before my heart almost sank within me on hearing the screams of an ill-omened bird,—a raven it must have been,—which came near the house on the hill to the southwest, perched, I think, upon the mulberry that still stands there. Ben said, when he heard the croaking of the nightly messenger, that it was the sign of death. His remark sank deep into my soul. I have never heard such a bird before or since, and what kind of a bird it was I do not know. You may set this down to a sprinkling of superstition in my nature; I will plead guilty. . . .

"Whether the Conference Bill be right or wrong, I am responsible for it. I will give you the history of it when I see you."

Another "sprinkling of superstition" appears in the letter

of May 23d, which gives an account of a dinner at Mr. Toombs's, the party being thirteen in number.

"The number was an unlucky one, and I felt some uneasiness when sitting down to the table, which was increased by a sudden and violent attack of illness of one of the party."

Mr. Stephens had been expecting to go home after the decision of the Ohio contested election case,—Vallandigham and Campbell,—in which he took a strong interest in favor of the former. The decision was in favor of Vallandigham; but he concluded now to stay to the end of the session.

About this time considerable irritation was felt in the country at the action of the officers of the British war-steamer *Styx*, then cruising in the Gulf, "for the suppression of the slave-trade," who had brought-to, boarded, and searched a number of American vessels. The matter was brought before Congress, and was the subject of some correspondence between the Secretary of State and the British Minister at Washington. Mr. Stephens was indignant at the affair, and writes :

"I feel deeply enraged at the course of the British cruiser in the Gulf. I have urged the President to send down naval force sufficient, and bring in the *Styx* and all other like craft, dead or alive. I would not ask any reclamation from England for such insults; but I would seize her ships, if necessary, and explain myself afterwards."

*June 11th.*—This is an eventful day. He has bought him a pair of spectacles, on which he moralizes much in the strain of the melancholy Jaques :

"Thus life passes away; time rolls on, years troop by, leaving their foot-prints in wrinkles in the face, gray hairs on the head, and dimmed vision in the eyes. In a few more years, loss of teeth, bending shoulders, and trembling limbs will close the scene."

In July of this year Mr. Stephens paid a visit to Mr. Johnston at Athens. One evening while he was at the house of the President, Dr. Church, a message was received that the students with a band of music were at Mr. Johnston's gate, desiring to pay their respects to Mr. Stephens. The latter was extremely embarrassed by the news, and intimated an intention to avoid the proposed honors by remaining where he was. This the com-

pany would not hear of: he was almost carried off by force; and on reaching the house, strange as it may seem, the veteran orator was seized with a panic of embarrassment at the idea of addressing a party of students! He took refuge in Mr. Johnston's study, and while there seemed to be looking about for an opportunity to escape by flight. "I will not speak." "You must speak: the boys will not go away without a speech." "I can't speak. I don't know what to say." "Say anything." He rushed about the room and rubbed his head. "I have nothing to speak about. Give me a subject, and I can talk all night; but I can't speak about nothing!" His embarrassment would have been amusing if it had not been so painfully extreme. The music ceased, and then arose the cry, "Stephens! Stephens!" There was no help for it. He went to the door, as reluctantly as a criminal to the block, and made a short address, which it may be presumed was satisfactory, as it was loudly applauded.

In August, Mr. Stephens went with his brother on a tour through the Northwest for the benefit of his health, which had been seriously impaired by the fatigues of the session. During this summer the contest took place in Illinois between Mr. Douglas and Mr. Lincoln, rival candidates for the Senatorship. Mr. Buchanan's Administration had broken with Douglas on his refusal to support its policy for the settlement of the Kansas difficulties. Mr. Stephens, notwithstanding his firm adherence to that policy, refused to part from Douglas, and thought the hostility to him both unwise and unjust. This refusal rendered him an object of suspicion to the Administration, which, strange to say, lent its influence to the election of Mr. Lincoln.

In the course of this summer tour Mr. Stephens spent some time in Chicago, especially for the purpose of seeing the artist Healy, and having painted portraits of his brother and his brother's deceased wife. On his return he found that the Administration papers in Georgia had been criticising his movements, and attributing to his Illinois tour the purpose of helping Mr. Douglas in the canvass. These charges were uttered pretty freely, especially by the friends of Governor Cobb, who was looked upon as Mr. Buchanan's choice for the succession, and

who was especially hostile to Mr. Douglas's election. On Mr. Stephens's return he wrote a long letter to Mr. Johnston, from which the following extract is taken :

*Crawfordville, September 3d.*—"We got home safely, and in time for our court. My health has been considerably benefited. I was a little annoyed when I returned and found that our newspapers had got into such a muss about the purpose of my visit to Illinois. I was really provoked at their ill-grounded surmises and unjust suspicions,—charging political motives and personal objects in forming political combinations,—but I don't care a button for it now. Politics had nothing in the world to do with my travels, and I had as little as possible to do with politics. I was, in reality, running away from the subject. I was in quest of rest and relaxation, and, as far as possible, eschewed even the mention of the theme in conversation. When my opinion was asked I gave it; as I always have done and always shall. I did not hesitate to say in Ohio and Illinois and everywhere just what I said at home and in Athens before I left, that I should prefer to see Douglas elected to Lincoln, and I thought the war of the Washington *Union* on him ought to cease. I did not say that I considered it a 'wickedly foolish' war; but I did say that I thought it an unwise and impolitic war. This is my deliberate judgment; and it is perfectly immaterial with me who approves it and who disapproves it."

At this time Mr. Stephens began to be spoken of in many sections of the country as a possible candidate for the Presidency, and he was regarded with increasing jealousy by those who cherished hopes of the Democratic nomination for 1860. But, as we have seen from his confidential letters to his brother, he had no such ambition. He was growing heartily sick of political life,—sick of rolling up the stone of Sisyphus which kept forever rolling back,—sick with the mental and the physical exertions his duties required, and sick at the prospect for the country. In December he returned to Washington, whence he writes on December 7th :

"Cobb called on me Saturday night. He is exceedingly bitter against Douglas. I joked him a good deal, and told him he had better not fight, or he would certainly be whipped; that is, in driving Douglas out of the Democratic party. He said that if Douglas ever was restored to the confidence of the Democracy of Georgia, it would be over his dead body, politically. This shows his excitement, that is all. I laughed at him, and told him he would run his feelings and his policy into the ground."

*December 8th.*—"On my way from Georgetown I called at the White House, and made my bow to the President. He looked well; that is, in



good health, but did not seem much inclined to talk. I suppose he has an idea that I am against him, because I am not against Douglas's re-election to the Senate.

"I have been a little provoked. The circumstance was this: Mudd, whom I believe you know, called to see me. He said he had just had a discussion about me. It was with Junius Hillyer, and about my being the next Democratic candidate for the Presidency. He gave me the particulars of the conversation. It had been commenced by Hillyer asking him about Cobb's prospects. Then, in speaking of Georgia, on Mudd's asking him what Cobb's chances would be in his own State, he said that *I was figuring* for it, or wanted it, or something to that purpose, which was new to Mudd. But Hillyer insisted on it that I was. But this was not all. Mudd went into Clayton's room, and Clayton asked him if I had come or if he had seen me. Mudd said he had barely seen me at the House, but had had no conversation with me; whereupon Phil said, 'Stephens is intensely Douglas,' and went on in this strain. Now after the long, frank, candid talk I had had with Cobb on Saturday night (Clayton being present), I did feel almost offended at hearing that he should talk thus about me. I told Mudd I would take it as a favor if he would in person say to Hillyer, and to all others who might in his presence take a like liberty in the use of my name, that I told him to say that I would just as lief be put upon a list of suspected horse-thieves as to be considered in the number of those who were aspiring or looking to the probabilities or chances of ever being President. I looked upon all such with feelings of great pity, commingled with contempt; and I should loath myself if I felt conscious of such a spirit taking possession of my breast. This is about the substance of what I told him, and I was in earnest in what I said. I do wish an end put to all such use of my name. I have had it alluded to several times since I have been here, greatly to my annoyance. Perhaps 'Old Buck' to-day thought I was an insidious rival, slyly worming myself into his place, or trying to do it. If so, alas! poor old fellow! How his views would change if he did but know how I *pitied* him, as I looked upon him, with all his power!"

## CHAPTER XXXII.

A Mysterious Confidence—Overwork—A Young Protégée—Ophthalmic Surgery—The Blind Dog's Guide—Busts of Mr. Stephens—The Mariner in Port—Linton on the Bench—Home Troubles—Farewell Dinner offered Him by Congress—Public Dinner at Augusta—A Farewell Speech—Warning to President Buchanan—A True Prophecy—Canine Psychology—Address at the University of Georgia—Law Business—A Rule adopted—Plans for the Future.

EARLY in December, 1858, Linton Stephens came to Washington, where he represented the State of Georgia in a suit between that State and Alabama before the Supreme Court of the United States, touching a question of boundary. The correspondence, therefore, ceases until his return. On the 25th Mr. Stephens wrote him a letter, which has been destroyed, but the following extract from Linton's reply will show a part of its purport :

"You may be right in your opinion that you have succeeded in keeping to yourself the secret of a misery that has preyed upon you, and yet preys upon you. The *fact* has long been known to me, for you have several times written it to me, though you have never mentioned it in conversation. The *cause* of it you have never communicated to me, but I do not doubt that I know it. I may be wholly mistaken ; and I have never asked you a question about it to settle any doubt I might have, for several reasons. I look upon it as a key to your character. If I am right, I comprehend your character and feelings far better than you seem to think ; if I am wrong, I don't understand you at all. In my judgment it is the foundation of your highest virtues, and the source of your greatest faults. If I know you, one of your leading virtues is a resolute, determined, almost dogged kindness and devotion of service to mankind, who have, in your judgment, no claim on your affection, and whom your impulses lead you to despise. This is a great battle which often rages, the conflict between your resolution to be kind and your impulse to be almost revengeful. The habitual triumph of the principle over the feeling is all the more bright from the fierceness of the conflict. I think I not only partly know 'what's done,' but also much of 'what's resisted.' One of your greatest faults, which has been more and more corrected from year to year, and

which must therefore be known to you, is a *residuum* of what's *not* resisted,—an imperiousness which loves to show the herd how much they are your inferiors in certain points. It produces good and evil too. I think you are under a *mistaken* and unhappy philosophy; or perhaps it is more accurate to say that your philosophy has failed to cure the unhappiness of your constitution. I do not think it is an attainable thing, either to feel universally kind and brotherly towards all mankind, or to acquire an utter indifference to their opinions; and yet I do believe that the greatest happiness and wisdom consist in the nearest possible approximation to universal good will toward mankind and profound indifference to their opinions. The opinions of people have too much power to affect your happiness. It is so. Besides, you impute to them sometimes opinions which they do not have. I would not obtrude an unwelcome word upon you: and I hope I have not done so."

On the next day Linton writes again, referring to the same letter of the 25th:

"Your letter, to which I wrote some sort of an answer last night, has produced strange feelings in me. I can't define them very well, but they are not pleasant feelings. I have burned the letter. It has been rather a rare thing with me to burn one of your letters. I have piles of them on hand: one in a similar strain with the last, but none like it or approaching it in its energy, its despair, and yet its unwavering resolution to bear on and despair on. I read it at first in the light of an opinion which I already had; but when I re-read it to-day, and compared all its points, I don't understand it. You must allude to something I don't understand; or else what I had really discovered has assumed proportions and magnitude that I had little suspected. I don't feel anything that can be called *curiosity* about it, but I do feel a deep interest in it. I had thought that no human heart had ever felt a woe or an agony without yearning to tell it to some sympathizing ear. Such is my nature, and such is my judgment of human nature. To find something different from this seems strange indeed. To have the yearning without finding the sympathizing heart for communication of the burden is what I can and do well and often, so fully comprehend; but a desire to hoard a misery to yourself is what I don't understand."

On the 28th of January, Mr. Stephens writes to R. M. J., giving a sketch of his multifarious daily occupations.

"I know you would pity me if you were to see my operations for one day. Now what do you think? I was just going to say, if you could see my work, interruptions, calls, and long sittings of visitors, etc.; but before I got the words penned here came a man who consumed a half-hour of my time; and so it is from morning until night, and from night

till morning. I rise and breakfast at eight; then commence with my mail. Frequently I do not get half through that before I am bored almost to death with calls on business of all sorts; then to the Committee at ten; then to the House at twelve; then to dinner at four; then calls before I leave the table till twelve at night. Then I take up and get through my unfinished reading of letters and newspapers of the morning; and then at one o'clock get to bed. I now have about one hundred letters before me unanswered. Were you here, you would pity me. . . . But on one thing I am determined: when this session ends, with it will and shall end my connection with politics forever. Then I can follow, and if life and strength allow, I can and will devote myself to pursuits more congenial to my tastes and nature."

On February 3d, Mr. Stephens writes to Linton :

"I have not yet commenced my letter to the people of the Eighth District, declining to run any more; but I shall do it just as soon as I can. The House has not yet set aside any day for the consideration of Territorial business. The session, I think, will come to a general smash-up of the public business in the closing scenes. This will be no affair of mine. Those will be mostly concerned who remain on the public boards. I am daily becoming more anxious for the close of my labors here."

On the 18th he writes to R. M. J. :

"I send you a small slip from a newspaper in this city. To *you* I will say it is from a lady whose daughter I am educating. She is the wife of ———. He is poor, very poor: his wife was once well off, of good family, but they are now reduced. They have a little daughter of sprightly mind, but severely afflicted in body. I sent her to school last year, and intend to keep her at school until she gets her education. I make this explanation that you may know to what she alludes in the last stanza."

The slip contained a few stanzas praising an unnamed benefactor; of no great merit as poetry, but pleasing to him as the sincere expression of a gratitude which had nothing else to give.

At this time Mr. Stephens was paying the expenses of several young persons of both sexes in schools and colleges; a practice which he had begun years before, and as soon as his means would allow. In this particular way he has probably done more, to the extent of his means, than any other person. His legal practice was lucrative, even while he was in Congress; and as his own wants were few and simple, he expended the greater part of his income in benefactions of various sorts.

We much regret the loss of all the letters between this date and that of March 16th. This was an interesting period in Stephens's career, and, as he then believed, the last of his labors in Congress. Several of Linton's letters allude to events of this time, and especially to his speech on the admission of Oregon; the speech which of all he ever made in Congress made perhaps the strongest immediate impression. All who heard it spoke of it as a master-piece of eloquence. It was not written out, and the summaries given by the press from the reporters' notes represent it so imperfectly that we refrain from giving an extract from them.

On the 16th of March he writes from home, where he has settled down with the conviction that he has finally retired from public life. The letter is chiefly about his old friend and favorite Rio, of whom he has sad news to tell.

"A part of my daily duties is to doctor poor Rio. Poor fellow, he is blind. When I got home, driving into the yard, just before dark, and saw him at a distance, and called to him, and saw from the motion of his head and body that he could not see me, I almost wept. He knew my voice and came as fast as he could in a devious way, turning right as I spoke to him, until he scented me out, and then put up the most piteous rejoicing bark in evident tones of lamentation. My heart was overcome, but I could do and say nothing but, 'Poor dog! you know your master, do you?' whereupon he seemed to utter something like a cry himself. He now follows me about wherever I go. He barks incessantly if I leave him. He keeps close after me, and follows the sound of my feet. I usually carry a cane, and let that drag along behind for him to hear it more distinctly than he can my tread. He goes thus with me to town; knows when he gets to the court-house steps, knows when he gets to the platform of the dépôt, knows when he is on the hill-side of the Spring-branch. For two days I have been washing his eyes with sugar of lead: I think it helps them. To-day in walking out in the old fields, I fancied he could see a little. I thought he shunned a bush. Usually he will butt against anything in the way. When I noticed him going round the bush as I thought, I called him to me and said, 'Why, Rio, can master's dog see again?' He opened his inflamed eyes wide, and looked me in the face. Whether he could see or not, I do not know, but he barked joyously and frisked off as he used to do in play. I said, 'Do you want to catch a rabbit?' whereupon he barked as before and seemed to have life enough if he had had his sight. I am going to do my best to cure him."

Here the writer details the system of treatment he proposes

to carry out, which, as it unhappily proved unsuccessful, we omit.

*March 18th.*—After a long discussion on the subject of novels, he reverts to the health of poor Rio, in which he flatters himself he discovers some improvement.

“My daily recreation and amusement, apart from books and writing, is the melancholy pastime of strolling about the lot and grounds, leading, or rather guiding, a blind dog. Who knows what he will come to? But I tell you it is a great thing for a man to take pleasure in whatever lot he finds himself cast in. This is the secret of life; and I assure you I find more pleasure in thus exercising Rio, and witnessing the pleasure it affords him, than I ever did in the enjoyment of all the honors this world has ever seen fit to bestow upon me, though some of the papers say that no man ever retired from public life with more general good will and favor than I have. So be it: I am content; and whether it be so or not, I am content.”

About this time Mr. Stephens, who had heard of the talents of Mr. Ward, the sculptor, hunted him up and gave him his first commission, which was for a bust of himself. For this he paid four hundred dollars. He had previously had one taken by Count Sandors, a Polish refugee, and artist of genius, whose return to Poland he procured by his interposition with the Russian Minister. For this he paid six hundred dollars, and made it a present to an intimate friend. The Count, it may be mentioned, was assassinated about three years after his return.

On the 15th of March he writes a long letter to R. M. J. After speaking of his severe headaches and other ailments, he says, in reference to his reaching home:

“I felt like a mariner after a long and perilous voyage, who, once more in safety, is permitted to tread the firm ground about his own mansion. God willing, he will remain there. This is my feeling. . . . I feel truly gratified myself that my public services have been closed as they have. Few men have passed more critical junctures with more uniform success, and none in my knowledge have ended their careers with more of the general good will and esteem of men of all parties than I have. This is no small compensation for the cares, anxieties, and perplexities attending the labors I have performed, in all which I can assure you I have looked to nothing so much as the public good. In all my public acts that has been the leading object and controlling motive. The remainder of my days, whether few or many, I wish to devote to objects more congenial to my nature than looking after and watching the interest and welfare of a rest-

less, captious, and fault-finding people. It is true, I have less to complain of on that score than any one who ever occupied the position I have so long. Indeed, I do not complain at all. Still, it is more agreeable to me to look after my own affairs than other people's. In this course I shall at least be free from that intense sense of responsibility which ever pressed so heavily upon me while occupying a post of public trust and confidence."

In May of this year the death of the Hon. Charles J. Macdonald caused a vacancy on the bench of the Supreme Court of the State. There were many applicants for the post among the first lawyers of the State. Linton Stephens was at this time only thirty-five years of age, had no thought of applying for the appointment, which, indeed, he did not desire, and was greatly surprised when it was offered him by Governor Brown. His first impulse was to decline; but at the urgent instance of his brother and other near friends he accepted. His course upon the bench fully justified the appointment. At this time the court had several places for its sittings, and the first, after Linton's appointment, was held at Athens in the same month. The brothers came up together and were guests of the present writer, who well remembers the anxiety of the elder brother as to how the younger would acquit himself as the associate of Chief-Justice Lumpkin, and the satisfaction with which he noted his brother's entire fitness for the place.

At this time Mr. Stephens had a great deal of vexation from an unpleasant domestic matter. Thomas Ray, who managed his plantation, fell into bad courses. He had married again after his first wife's death; but Mr. Stephens still employed him for "Cousin Sabra's" sake. He is now becoming a drunkard, neglecting his duties, and otherwise misbehaving, so as to try his employer's patience sorely; and yet he hates to discharge him,—hates to use any harshness to one connected in so many ways with "auld lang syne." The difficulty was settled by removing him from the control of the homestead and putting him on another place, which Mr. Stephens bought for the purpose.

On Mr. Stephens's retirement from Congress, a very unusual compliment had been paid him in the offer of a public dinner tendered by members of both Houses, without distinction of

party, headed by the Vice-President (in his capacity of President of the Senate) and by the Speaker of the House, as a testimony of personal esteem. Business engagements, however, compelled him to decline the honor.

On the 2d of July, his constituents of the Eighth District of Georgia gave him a public dinner at Augusta, on which occasion he delivered a farewell address, touching upon the most important points of his public life, and those subjects which he had taken interest, and perhaps gained some honor in promoting; and to none with more satisfaction to himself than the assistance he had given in 1836, on his first entry into public life, to the Female College at Macon. He remarks:

“Contrast, for a moment, in your minds, the condition of Georgia, physically and intellectually, in 1836, when I first entered the Legislature, with her condition now. The change seems almost equal to the works of magic. Passing by those material developments which have given us the honor of being styled the Empire State among our sisters of the South, take but a glance in another department,—that which embraces higher and nobler improvements. Then, there was but one college in the State, and that, for the education of men. Now, we have five times that number, of the same character. Then, there was not in the State, or in the world, I believe, a single chartered university for the education and regular graduation of women; I mean such as conferred the usual college degrees. The Georgia Female College, at Macon, incorporated in 1836, with such objects, purposes, and powers, I believe, was the first of its kind anywhere. The movement at the time was the occasion of amusement to some. I may be pardoned in this presence in saying that it met my warm support. The experiment proving successful beyond the expectation of its most sanguine friends, the example became contagious,—not only in our own State, but in adjoining States,—and we now have a perfect galaxy of these brilliant luminaries, sending forth their cheering beams in every direction, like new stars in the firmament above, just brought into existence in the progress of creation. Whatever honor, therefore, Georgia is entitled to for her other great works of improvement and achievement; and however broad, massive, and substantial the materials may be that enter into the monument reared to her fame; and however high they may be piled up, let this still be at the top, the filling and crowning-point of her glory, that she took and holds the lead of all the world in female education.”

He congratulated the country upon the peaceful settlement at that time of all the agitating questions which were disturbing the country when he entered Congress in 1843. These were



settled on the principles set forth in the Cincinnati platform, and by adherence to those there was a bright prospect of peace for the country; but if they departed from them, they might expect disaster.

"Our safety," said he, "as well as our future prospects, depend altogether upon rigid adherence to those principles, and the adjustment effected by them. They are the ship on which, as Paul said, 'Except ye abide, ye cannot be saved.'"

This speech was intended as a solemn warning not only to his constituents and the people of the South, but the whole country, that in his opinion the peace and prosperity of the country depended upon a strict and inflexible adherence to the principles of the adjustment measures of 1850 upon the subject of slavery, as carried out and expressed in the Democratic Baltimore platform of 1852, with the additional plank inserted in the Cincinnati Convention of 1856. It was well known then that Mr. Stephens had serious apprehensions that those principles would be departed from in the next Democratic Convention to be held in Charleston the following year. It was also known that he did not finally determine to withdraw from Congress until after a personal interview with Mr. Buchanan, in which he had urged the President to cease his warfare against Mr. Douglas, and the support of the paper known as his organ in Washington in insisting upon the insertion of a new plank in the next Convention, asserting it to be the duty of Congress to pass acts to protect slavery in the Territories, and not to leave that subject, as the Cincinnati platform had done, with the people of the Territories. Mr. Stephens most urgently assured the President that if he continued to pursue the line of policy he was then following there would be a burst-up at Charleston, and with that a burst-up of the Union,—temporary or permanent,—“as certainly as he would break his neck if he sprang from that window” [of the reception-room at the White House, in which they were conversing] “or as that the sun would set that night.” Mr. Buchanan seemed surprised at this opinion, but was unshaken in his determination to adhere to the policy he was then following. Mr. Stephens, in taking leave, told the President that his object

in seeking the interview was to know if his purpose was as stated, and if that was so, his own intention was, not to allow himself to be returned to the next Congress. He had spent sixteen years of life in striving to maintain the Union upon the principles of the Constitution; this he thought could be done for many years to come upon the principles set forth in the Cincinnati platform. The Government administered on these principles he thought the best in the world; but if it was departed from, he saw nothing but ruin ahead. He did not wish to be in at the death; but if disunion should come in consequence of this departure, he should go with the people of his own State.

Another fact connected with the retirement of Mr. Stephens from Congress may be noted here. When leaving Washington, with a number of other Southern members, on the beautiful morning of the 5th of March, 1859, he stood at the stern of the boat for some minutes, gazing back at the Capitol, when some one jocularly said, "I suppose you are thinking of coming back to those halls as a Senator." (It was known that he had announced his intention not to return as a Representative.) Mr. Stephens replied, with some emotion, "No; I never expect to see Washington again, unless I am brought here as a prisoner of war." This was literally fulfilled in the latter part of October, 1865, when he passed through Washington on his way to his home as a paroled prisoner from Fort Warren.

His peculiar fondness for dogs, often referred to, finds expression again in a letter of July 17th, in which he speaks of a little dog, formerly the pet of "Cousin Sabra" Ray, which had been bitten by a snake the day before.

"Last night he wandered off below the vineyard and there breathed his last. I could but wonder if the poor dog was trying to get to the grave of his mistress, that his last resting-place might be near hers. Why should he have gone in that direction? Why quit the house, which he seldom left? Yet, who can suppose that the dog knew anything about where his mistress was laid? All this is a foolish conjecture; and yet, what unaccountable instincts, when death was upon him, prompted him to go off there to die? Poor dog! I almost wept myself when I heard he was dead. I seldom saw him without thinking of Cousin Sabra."

Mr. J., being Professor of English Literature in the State

University, invited Mr. Stephens to deliver the usual address upon the presentation of the medals at the Sophomore prize declamations. He accepted; but afterwards found himself in great perplexity about it, and wrote that he was "a fool for accepting any such position." He came to the Commencement, still much troubled about what one would have thought a mere trifle to so practised a speaker. By the day before Commencement he had written out an address, but had not memorized it. On the morning of the day, the professor (whose guest he was) went into his room before breakfast, and found him dressed, and in quite a sprightly frame of mind. To the inquiry how he had slept, he replied that he had not closed an eye all night, having spent the hours in committing his speech to memory! When the time came, he delivered the address precisely as it was written.

During all the fall of this year Mr. Stephens suffered much, though he gave constant attention to his business, which was large, and involved many journeys to courts and elsewhere. At the time he went to Congress he was worth about fourteen thousand dollars. During the sixteen years he was at Congress his law-office was closed; and when he left Congress he was worth about sixteen thousand dollars, the increase having arisen from a small accumulation of interest. During the two years following he made twenty-two thousand dollars at his profession.

A rule adopted by him in entering Congress in 1843, was not to make a dollar in Washington beyond his salary. For all his services rendered to his constituents before the Departments, as well as the Supreme Court, when Congress was in session, recovering for them upwards of three hundred thousand dollars, he would never receive a dollar, though compensation was often urged upon him by his constituents, who averred that they would never have committed their business to him if they had known that he would not charge as regular attorneys did for similar services. He never took a case into one of his State courts while he was in Congress; though during that period he often appeared, as an advocate only, on trial of causes; but always refused to engage himself as such advocate, if that duty would conflict with his duties at Washington. In this way he made

considerable sums, often as much as two thousand dollars at a time ; all which he devoted to charitable purposes, aiding in building churches, and in the education of young persons without means, as before stated.

The last word we have from his pen this year is this: "I like law better than politics, but like being at home better than either ; and am now inclined to the opinion that very soon I shall quit the courts, and devote all my time to myself, or with myself. Not this year ; but very soon,—if I live." The fates, however, had determined otherwise.

## CHAPTER XXXIII.

The Family at Liberty Hall—A Cautious Passenger—Favors the Nomination of Mr. Douglas—Charleston Convention—Baltimore Convention, and the Split in the Democratic Party—Four Candidates in the Field—Mr. Stephens's Views and Apprehensions—Letter of Advice—The Plan of Safety—Duty of the Party—Sickness—Signs of Approaching *Rabies*—"He is Insane!"—Election of Mr. Lincoln and the Feeling at the South—Speech at Milledgeville—Impression produced—Anecdote—Letters from Northern Men—Correspondence with Mr. Lincoln.

WHEN Mr. Stephens thus settled down into domestic life for the rest of his days, as he fondly imagined, it was not to pass those days in solitude. Though a bachelor, he had a little family at Liberty Hall. One member of this family was Mr. George F. Bristow, a young man whom he had assisted in his education, and who was then a lawyer of distinction in the county; the other was Mr. Quinea O'Neal, jocularly termed "the Parson." A great many of the letters to Linton are filled with humorous descriptions of domestic scenes at the Hall. They are generally given in dramatic form, and each character and incident, even down to the part in the scenes taken by Pup, Rio, and Troup (the dogs), is very vividly set forth. Much of the fun hinges on the dry caustic humor of "the Parson," as he is called. Mr. O'Neal had been Ordinary of the county for about thirty years, and was greatly respected and liked in the town, not only for his high moral character, but also for his cordial and familiar intercourse with the young men of the neighborhood, whom he often very good-naturedly and pleasantly lectured, especially those who gave promise of talent and usefulness. Among these was John Bird, Linton's cousin. Bird, as we have before mentioned, was a young man of brilliant talents, and stood at the head of that class of young men to whom Mr. O'Neal gave most of his attention. It was Bird who gave the sedate and didactic old Ordinary the *sobriquet* of "Parson," though he was never con-

nected with any church. The "Parson" became an inmate of Mr. Stephens's family by his invitation, after the death of his wife, and is known not only by the visitors to Liberty Hall, but all over the State. The most devoted friendship existed between him and the brothers, and he has ever claimed no small part in moulding the characters of both.

*January 29th.*—He had received a letter from Linton, showing great depression of spirits, on account of the loss of his wife, and it had affected him deeply.

"I have been down to the old homestead place, over the play-grounds and work-grounds of my youth. These but brought in review their many soul-touching memories. You cannot conceive how deeply I am touched by your tone of depression. But what can I say for your relief? Nothing—absolutely nothing. That must come from yourself, and from Him in whose hands we all are held. Sometimes I am totally bewildered, as if stunned by the incomprehensibilities around me. However, I recover with the confidence that all will be right in the end, if I do my duty. This is the only light by which my faith is guided. This is my only stay, my only staff. The calls of duty, activity, and exertion keep me up, and they are all that do. But for a will which I believe few possess, and for which I am truly thankful, I should long since have sunk into hopeless despair. But that will seems sometimes weak and faltering, as it does this day. Shall it fail me? I trust not. But who can tell? . . . Shall I be able to hold on to the end? That is the question. For twenty-odd years you have been the polar star of my existence. In you all my hopes have been centred. Should you by any means be removed from me, I fear my stay, my staff, would break. You may know, therefore, how keenly *I* feel anything that concerns you."

During this year Mr. Stephens was very actively engaged in the practice of his profession, which was now quite lucrative, as stated.

In many of his letters to R. M. J. there are allusions to his cases. One, tried before the Supreme Court, was the appeal of a man indicted for murder and found guilty by the lower court. Mr. Stephens was his counsel, and the former judgment was reversed. He expresses his gratification at this result, partly because he did not believe his client guilty of murder, and partly because, as he says, "I had never defended a man that was hung, and I did not wish this prestige broken."

The Democratic Convention for the Presidential nomination

was to meet in Charleston in April. Mr. Stephens had repeatedly expressed his determination to avoid henceforth all public connection with politics. We have seen from his letters during the last session how little hope he felt in the triumph of just principles, and with what apprehension he viewed the general lack of statesmanship and patriotism. To a friend who asked him why he had withdrawn from public life, he answered, "When I am on one of two trains coming in opposite directions on a single track, both engines at high speed, and both engineers drunk, I get off at the first station." But notwithstanding his expressed determination, there were many who desired that he should be put in nomination for the Presidency. To those who applied to him on the subject, he invariably replied that he did not wish his name brought before the Charleston Convention; and while he was anxious that the Convention should agree upon a candidate on a proper platform of principles, such as those of 1856, his own determination not to attend was final. Among the more prominent aspirants he preferred Mr. Douglas. Notwithstanding that the latter opposed the policy of the majority of the Democratic party on the question of the admission of Kansas, yet Mr. Stephens believed him a sincere patriot and the foremost defender of the rights of the States under the Constitution. He thought, too, that with the old platform of 1856 unaltered, Mr. Douglas would be the most available candidate.

Among Mr. Stephens's political opponents there were some who suspected him, notwithstanding his declarations, of secretly plotting to secure the nomination. Early in the spring, the editor of a newspaper in Governor Cobb's interest wrote to him on the political situation, and Mr. Stephens replied, giving his views in reference to the approaching Convention. Among other things, he declared his entire willingness to support Mr. Cobb, should he be the nominee. This editor, through a common friend, asked permission of Mr. Stephens to publish the letter, on the ground that such a publication would place Mr. Stephens on a right footing in the minds of many who did not fully understand his position. In reply he wrote to the friend alluded to :

"I cannot consent to the publication of the letter. It was not written for the public. While it contains nothing that I should care about the public seeing, if they had any business with it, yet they have none; and for this reason I am opposed to any such personal exhibition of myself. Mr. ——— urges as a reason for it that it will set me right with many persons in that section of the State. On this point I am indifferent. So I am right with myself, I care but little for the opinions of others. . . . I have a great repugnance to figuring before the public on any such questions. If I have to suffer from the unjust suspicions of some which the publication of the letter might remove, I should but subject myself to the criticisms of others for the indulgence of a personal vanity in obtruding myself upon the public in a way and at a time uncalled for. So it is better to bide my fortunes, and let time effect its own cure for all the evils incident to a straightforward course in all things. This has been my rule of action from the beginning of this controversy, and I intend to abide by it."

The Charleston Convention met, and matters were at once brought to an issue by the party opposed to Mr. Douglas offering a resolution which contained the new "plank" which it was proposed to insert into the Democratic platform. It ran as follows:

*"Resolved, That the government of a Territory organized by the act of Congress is provisional and temporary; and during its existence all citizens of the United States have an equal right to settle with their property in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation."*

These words, "Territorial legislation," were aimed at the "Squatter Sovereignty" doctrine, as it was called, of Mr. Douglas and those who held with him that the people of a Territory had the right of regulating their local affairs. The resolution was rejected, upon which a number of the delegates withdrew, and called a Convention to meet at Richmond on the second Monday in June. The remaining delegates adjourned to meet at Baltimore on the 18th of June; and the Richmond Convention, after assembling, adjourned to meet at the same time and place as the regular Convention. At the meeting in Baltimore another split took place. The regular Convention nominated Messrs. Douglas and Fitzpatrick; but the latter declining, the nomination for the Vice-Presidency was given to Mr. Herschel V. Johnson, of Georgia. The "bolters" adopted



the Cincinnati platform, with the Charleston Resolution, and nominated Breckenridge and Lane.

Previously to this a third party had put in nomination Messrs. Bell, of Tennessee, and Everett, of Massachusetts; and the Republicans at Chicago afterwards nominated Messrs. Lincoln, of Illinois, and Hamlin, of Maine.

Thus there were four sets of candidates in the field; but the division only weakened the South, as none of the candidates opposed to Mr. Lincoln was able to carry a single Northern State.

After the dissolution at Charleston, Mr. Stephens lost all hope of a settlement of the dissensions of the party. On the 6th of May he thus wrote to R. M. J.:

"As to the blow-up at Charleston, all I can say is that I deeply regret it, though I was not much disappointed with it. The country is in a bad state, much worse than the people are aware of. This may be the beginning of the end. . . . I am sorry things are as they are; sorry as I should be to see the paroxysms of a dear friend in a fit of delirium tremens. On such occasions it is useless to indulge in complaints or upbraidings; the only question is, can any relief be afforded? But enough. I am taken up with plantation business and with law business, and have but little time to devote to public affairs. I can get along with any sort of government as well as anybody else."

Shortly after the receipt of this letter, Mr. Johnston paid a visit to Mr. Stephens and had a long conversation with him. Some things that he said were so striking that they were afterwards noted down; and from these notes we append an extract.

MR. J.—"Well, the Charleston Convention has adjourned without a nomination. What do you think of matters now?"

MR. S.—"Think of them? Why, that men will be cutting one another's throats in a little while. In less than twelve months we shall be in a war, and that the bloodiest in history. Men seem to be utterly blinded to the future. You remember my reading to you a letter which I wrote to a gentleman in Texas, asking the use of my name in his State as a candidate for the Presidency?"

MR. J.—"The one in which you said that we should make the Charleston Convention a Marathon or a Waterloo?"

MR. S.—"Yes. Well, we have made it a Waterloo."

MR. J.—"Do you not think that matters may yet be adjusted at Baltimore?"

MR. S.—“Not the slightest chance for it. The party is split forever. Douglas will not retire from the stand he has taken, and the party will nominate somebody else. The only hope was at Charleston. If the party could have agreed there we might carry the election. As it is, the cause is hopelessly lost. The election cannot be carried without the support of Douglas.”

MR. J.—“I hope he will give his support yet.”

MR. S.—“Never.”

MR. J.—“What a misfortune it was that he did not support the Le-compton Constitution.”

MR. S.—“Yes. But he knew, as all men knew, that it was procured by stratagem. I supported it, not in consideration of any matters connected with its formation, except that it was framed in strict and technical conformity with the enabling act. I thought it ought to be adopted, and think so yet, because it gave us only what we were entitled to under the Kansas Act.”

MR. J.—“You think Douglas entitled to the nomination?”

MR. S.—“I won't say that he is entitled to it; but I will say that he is one of the foremost defenders of constitutional rights in the country. And then his name has been the strongest in two Conventions. He voluntarily withdrew it in 1852; the same in 1856. I suppose he has made up his mind not to withdraw it a third time. The greatest alleged objections to Douglas are his ambition and the hordes of office-seekers that are in his suite. If the party would be satisfied with the Cincinnati platform, and would cordially nominate Douglas, we should carry the election; but I repeat to you that is impossible.”

MR. J.—“But why must we have civil war, even if the Republican candidate should be elected?”

MR. S.—“Because there are not virtue and patriotism and sense enough left in the country to avoid it. Mark me, when I repeat that in less than twelve months we shall be in the midst of a bloody war. What is to become of us then God only knows. The Union will certainly be disrupted; and what will make it so disastrous is the way in which it will be done. The Southern people are not unanimous now, and will not be, on the question of secession. The Republican nominee will be elected. Then South Carolina will secede. For me, I should be content to let her have her own way, and go out alone. But the Gulf States will follow her example. The people are by no means unanimous; but the majorities will follow her. They are what we will start off with in our new nation.—the Gulf States following South Carolina. After that the Border States will hesitate, and their hesitation will encourage the North to make war upon us. If the South would unanimously and simultaneously go out of the Union we could make a very strong government. But even then, if there were only Slave States in the new confederacy, we should be known as the Black Republic, and be without the sympathy of the world. Still,

if we had wise and patriotic men, and men that were statesmen, we could make a great country of the South."

Mr. J.—"Do you think it was entirely right in you positively to forbid your name going before the Charleston Convention?"

Mr. S.—"Yes; I think so, decidedly. The Democratic party had quite enough men from whom to choose. I did not wish the office. In perfect sincerity with you, I should exceedingly dislike to be President. I do not wish that office nor any other. What amazes me in Douglas is his desire to be President. I have sometimes asked him what he desired the office for. It has never yet added to the fame of a single man. You may look over the list of the Presidents: which of them made any reputation after he became President? Four years, or even eight, are too short a time to enable a man to pursue a policy which will be permanent enough to give him reputation. Louis Napoleon, as President of France under the Constitution, could have made no reputation. He is beginning now to make it. When he shall have been where he is as long again as he has been already, he may then, if his abilities are really great, become illustrious. I could never see why so many men in this country should be anxious to be President. People don't generally believe me in what I say about myself in this respect; but that is all very indifferent to me. Some of your people in Athens will insist on believing that I opposed the nomination of Governor Cobb by the State Convention at Milledgeville. I had nothing upon earth to do with that, neither for nor against him. No, sir; I far prefer living here—right here—to being President of the United States. If I had loved office I should have continued in the House of Representatives. That office to me is preferable to the Presidency. If I were ambitious to make a reputation, I should be able to make it faster in that place than in the other."

On May 5th of this year a letter was addressed to Mr. Stephens by thirteen gentlemen of Macon, expressing their apprehensions arising from the discord exhibited in the Charleston Convention, and asking his counsel, especially with reference to the adjourned Convention to be held in Baltimore. As his reply embodies completely his views of the situation and its exigencies, we give it at length:

"CRAWFORDVILLE, GEORGIA, May 9th, 1860.

"GENTLEMEN,—Your letter of the 5th inst. was received last night, and I promptly respond to your call as clearly and fully as a heavy press of business engagements will permit. I shall endeavor to be no less pointed and explicit than candid. You do not, in my judgment, over-estimate the importance of the questions now pressing upon the public mind, growing out of the disruption of the Charleston Convention. While I was not

greatly surprised at that result, considering the elements of its composition and the general distemper of the times, still I deeply regret it, and, with you, look with intense interest to the consequences. What is done cannot be undone or amended: that must remain irrevocable. It would, therefore, be as useless as ungracious to indulge in any reflections as to whose fault the rupture was owing to. Perhaps, and most probably, undue excitement and heat of passion in pursuit of particular ends connected with the elevation or overthrow of particular rivals for preferment, more than any strong desire guided by cool judgment, so necessary on such occasions to advance the public good, was the real cause of the rupture. Be that as it may, however, what is now to be done and what is the proper course to be taken? To my mind the course seems to be clear.

"A State convention should be called at an early day, and that convention should consider the whole subject calmly and dispassionately, with the 'sober second thought,' and determine whether to send a representation to Richmond or to Baltimore. The correct determination of this question, as I view it, will depend upon another; and that is, whether the doctrine of non-intervention by Congress with slavery in the Territories ought to be adhered to or abandoned by the South. This is a very grave and serious question, and ought not to be decided rashly or intemperately. No such small matters as the promotion of this or that individual, however worthy or unworthy, ought to enter into its consideration. It is a great subject of public policy, affecting the vast interests of the present and the future. It may be unnecessary and entirely useless for me to obtrude my views upon this question in advance of the meeting of such convention upon whom its decision may primarily devolve. I cannot, however, comply with your request without doing so to a limited extent at least. This I shall do.

"In the first place, then, I assume as an unquestioned and unquestionable fact that *non-intervention*, as stated, has been for many years received, recognized, and acted upon as the settled doctrine of the South. By non-intervention, I mean the principle that Congress shall pass no law upon the subject of slavery in the Territories, either for or against it, in any way,—that they shall not interfere nor act upon it at all,—or, in the express words of Mr. Calhoun, the great Southern leader, that Congress shall 'leave the whole subject where the Constitution and the great principles of self-government placed it.' This has been eminently a Southern doctrine. It was announced by Mr. Calhoun in his speech in the Senate on the 27th of June, 1848; and, after two years of discussion, was adopted as the basis of the adjustment made in 1850. It was the demand of the South, put forth by the South, and since its establishment finally has been again and again affirmed and reaffirmed as the settled policy of the South by party conventions and State Legislatures, in every form in which a people can give authoritative expression to their will and wishes. This cannot be matter

of dispute. It is history, as indelibly fixed upon the record as the fact that the colony of Georgia was settled under the auspices of Oglethorpe, or that the war of the American Revolution was fought in resistance to the unjust claim of power on the part of the British Parliament.

"I refer to this matter of history connected with the subject under consideration barely as a starting-point,—to show how we stand in relation to it. It is not a new question. It has been up before, and whether rightly or wrongly, it has been decided,—decided and settled just as the South asked that it should be,—not, however, without great effort and a prolonged struggle. The question now is, Shall the South abandon her own position in that decision and settlement? This is the question virtually presented by the action of the seceders from the Charleston Convention, and the grounds upon which they based their action; or, stated in other words, it amounts to this: whether the Southern States, after all that has taken place on this subject, should now reverse their previous course, and demand Congressional *intervention* for the protection of slavery in the Territories as a condition of their remaining longer in the Union? For I take it for granted that it would be considered by all the most mischievous folly to make the demand, unless we intend to push the issue to its ultimate and legitimate results. Shall the South, then, make this demand of Congress, and when made, in case of failure to obtain it, shall she secede from the Union, as a portion of her delegates (some under instructions and some from their own free will) seceded from the Convention on their failure to get it granted there?

"Thus stands the naked question, as I understand it, presented by the action of the seceders, in its full dimensions,—its length, breadth, and depth, in all its magnitude.

"It is presented not to the Democratic party alone: it is true a convention of that party may first act on it; but it is presented to the country, to the whole people of the South, of all parties. And men of all parties should duly and timely consider it, for they may all have to take sides on it, sooner or later.

"It rises in importance high above any party organization of the present day, and it may and ought to, if need be, sweep them all from the board. My judgment is against the demand. If it were a new question, presented in its present light for the first time, my views upon it might be different from what they are. It is known to you and the country that the policy of *non-intervention*, as established at the instance of the South, was no favorite one of mine. As to my position upon it, and the doctrine now revived, when they were original and open questions, as well as my present views, I will cite to you an extract of a speech made by me in Augusta, in July last, on taking final leave of my constituents. I could not restate them more clearly or more briefly. In speaking of and reviewing this matter, I then said:

"And, as you all may know, [non-intervention] came short of what I wished. It was, in my view, not the full measure of our rights. That required, in my judg-

ment, the enactment by Congress of all needful laws for the protection of slave property in the Territories, so long as the Territorial condition lasted.

“But an overwhelming majority of the South was against that position. It was said that we who maintained it yielded the whole question by yielding the jurisdiction,—and that, if we conceded the power to protect, we necessarily conceded with it the power to prohibit. This by no means followed, in my judgment. But such was the prevailing opinion. And it was not until it was well ascertained that a large majority of the South would not ask for, or even vote for, Congressional protection, that those of us who were for it yielded to non-intervention, because, though it came short of our wishes, yet it contained no sacrifice of principle,—had nothing aggressive in it, and secured for all practical purposes what was wanted, that is, the unrestricted right of expansion over the common public domain, as inclination, convenience, or necessity may require on the part of the people.

“Thus the settlement was made,—thus the record stands; and by it I am willing still to stand, as it was fully up to the demands of the South through her representatives at the time, though not up to my own; and as by it the right of expansion to the extent of population and capacity is amply secured.’

“In this you clearly perceive what I think of the proper course now to be taken on the same subject. While in the beginning of this controversy I was not favorable to the policy adopted, yet I finally yielded my assent. It was yielded to the South,—to the prevailing sentiment of my own section. But it never would have been yielded if I had seen that any of our important rights, or any principle essential to our safety or security, could by possibility result from its operation. Nor would I now be willing to abide by it if I saw in its practical workings any serious injury to the South likely to result from it. All parties in the South, after the settlement was made, gave it the sanction of their acquiescence, if not cordial approval. What, then, has occurred since to cause us to change our position in relation to it? Is it that those of the North who stood by us in the struggle from 1848 to 1850, did afterward stand nobly by us in 1854 in taking off the old Congressional restriction of 1820, so as to have complete *non-intervention* throughout the length and breadth of the common public domain? Was this heroism on their part in adhering to principle at the hazard and peril of their political lives and fortunes the cause of present complaint? This cannot be; for never was an act of Congress so generally and so unanimously hailed with delight at the South as this one was,—I mean the Kansas-Nebraska Act of 1854. It was not only endorsed by all parties in Georgia, but every one who did not agree to its just provisions upon the subject of slavery was declared to be unfit to hold party associations with any party not hostile to the interests of the South. What, then, is the cause of complaint now? Wherein has this policy worked any injury to the South, or wherein is it likely to work any?

“The only cause of complaint I have heard is that *non-intervention*, as established in 1850, and carried out in 1854, is not understood at the North as it is at the South; that while we hold that, in leaving ‘the whole subject where the Constitution and the great principles of self-government place

it,' the common Territories are to remain open for settlement by Southern people, with their slaves, until otherwise provided by a State constitution,—the friends and supporters of the same doctrine at the North maintain that, under it, the people of an organized Territory can protect or exclude slave property before the formation of a State constitution. This opinion or construction of theirs is what is commonly dubbed 'squatter sovereignty.'

"Upon this point of difference in construction of what are 'the great principles of self-government' under the Constitution of the United States, a great deal has been said and written. We have heard of it in the social circle, in the forum, on the hustings, and in the halls of legislation. The newspapers have literally groaned with dissertations on it. Pamphlets have been published for and against the respective sides. Congress has spent months in its discussion, and may spend as many years as they have months without arriving at any more definite or satisfactory conclusion in relation to it than Milton's perplexed spirits did upon the abstruse questions on which they held such high and prolonged debate when they reasoned

'Of Providence, foreknowledge, will, and fate;  
Fixed fate, free will, foreknowledge absolute,  
And found no end, in wandering mazes lost.'

"It is not now my purpose to enter the list of these disputants. My own opinions on the subject are known; and it is equally known that this difference of opinion or construction is no new thing in the history of this subject. Those who hold the doctrine that the people of the Territories, according to the great principle of self-government, under the Constitution of the United States, can exclude slavery by Territorial law, and regulate slave property as all other property, held the same views they now do when we agreed with them to stand on those terms. This fact is also historical. The South held that under the Constitution the Territorial Legislatures could not exclude slavery,—that it required an act of sovereignty to do this. Some gentlemen of the North held, as they now do, that the Territorial Legislatures could control slave property as absolutely as they could any other kind of property, and by a system of laws could virtually exclude slavery from among them or prevent its introduction if they chose.

"That point of difference it was agreed by both sides to leave to the courts to settle. There was no cheat, or swindle, or fraud, or double-dealing in it. It was a fair, honorable, and constitutional adjustment of the difference. No assertion or declaration by Congress, one way or the other, could have affected the question in the least degree; for if the people, according to 'the great principles of self-government' under the Constitution, have the right contended for by those who espouse that side of the argument, then Congress could not and cannot deprive them of it. And if Congress did not have, or does not have, the power to exclude slavery from a Territory, as those on our side contended, and still contend

they have not, then they could not and did not confer it upon the Territorial Legislatures. We of the South held that Congress had not the power to exclude, and could not delegate a power they did not possess,—also that the people had not the power to exclude under the Constitution, and therefore the mutual agreement was to take the subject out of Congress and leave the question of the power of the people where the Constitution had placed it—with the courts. This is the whole of it. The question in dispute is a judicial one, and no act of Congress, nor any resolution of any party convention can in any way affect it, unless we abandon the first position of non-intervention by Congress.

“But it seems exceedingly strange to me that the people of the South should, at this late day, begin to find fault with this Northern construction, as it is termed, especially since the decision of the Supreme Court in the case of *Dred Scott*. In this connection I may be permitted to say that I have read with deep interest the debates of the Charleston Convention, and particularly the able, logical, and eloquent speech of the Hon. Wm. L. Yancey, of Alabama. It was, decidedly, the strongest argument I have seen on his side of the question. But its greatest power was shown in its complete answer to itself. Never did a man with greater clearness demonstrate that ‘squatter sovereignty,’ the bugbear of the day, is not in the Kansas Bill, all that has been said to the contrary notwithstanding. This he put beyond the power of refutation. But he stopped not there,—he went on, and, by reference to the decision of the Supreme Court alluded to, he showed conclusively, in a most pointed and thrilling climax, that this most frightful doctrine could not, by possibility, be in it, or in any other Territorial bill,—that it is a constitutional impossibility. With the same master-hand he showed that the doctrine of ‘squatter sovereignty’ is not in the Cincinnati platform; then why should we of the South now complain of non-intervention or ask a change of platform?

“What else have we to do but to insist upon our allies standing to their agreement? Would it not have been much more natural to look for flinching on their side than on ours? Why should we desire any other platform of principles than that adopted at Cincinnati? If those who stood with us on it in the contest of 1856 are willing still to stand on it, why should we not be equally willing? For my life I cannot see, unless we are determined to have a quarrel with the North anyhow, on general account. If so, in behalf of common sense, let us put it upon more tenable grounds. These are abundant. For our own character's sake, let us make it upon the aggressive acts of our enemies, rather than any supposed short-comings of our friends, who have stood by us so steadfastly in so many constitutional struggles. In the name of patriotism and honor, let us not make it upon a point which may so directly subject us to the charge of breach of plighted faith. Whatever may befall us, let us ever be found, by friend or foe, as good as our word. These are my views, frankly and earnestly given.



"The great question, then, is, shall we stand by our principles, or shall we, cutting loose from our moorings where we have been safely anchored so many years, launch out again into unknown seas, upon new and perilous adventures, under the guide and pilotage of those who prove themselves to have no more fixedness of purpose or stability as to objects or policy than the shifting winds by which we shall be driven? Let this question be decided by the Convention, and decided with that wisdom, coolness, and forecast which become statesmen and patriots. As for myself, I can say, whatever may be the course of future events, my judgment in this crisis is that we should stand by our principles 'through woe' as well as 'through weal,' and maintain them in good faith, now and always, if need be, until they, we, and the Republic perish together in a common ruin. I see no injury that can possibly arise to us from them,—not even if the constitutional impossibility of their containing 'squatter sovereignty' did not exist, as has been conclusively demonstrated. For, if it did exist in them, and were all that its most ardent advocates claim for it, no serious practical danger to us could result from it.

"Even according to that doctrine, we have the unrestricted right of expansion to the extent of population. It is admitted that slavery can, and will go, under its operation, wherever the people want it. Squatters carried it to Tennessee, Kentucky, Missouri, Alabama, Mississippi, and Arkansas, without any law to protect it, and to Texas against a law prohibiting it, and they will carry it under this doctrine to all countries where climate, soil, productions, and population will allow. These are the natural laws that will regulate it under non-intervention, according to that construction: and no act of Congress can carry it into any Territory against those laws, any more than it could make the rivers run to the mountains instead of the sea. If we have not enough of the right sort of population to compete longer with the North in the colonization of new Territories and States, this deficiency can never be supplied by any such act of Congress as that now asked for. The attempt would be as vain as that of Xerxes to control the waters of the Hellespont by whipping them in his rage.

"The times, as you intimate, do indeed portend evil. But I have no fears for the institution of slavery, either in the Union or out of it, if our people are but true to themselves,—true, stable, and loyal to fixed principles and settled policy; and if they are not thus true, I have little hope of anything good, whether the present Union last or a new one be formed. There is, in my judgment, nothing to fear from the 'irrepressible conflict' of which we hear so much. Slavery rests upon great truths, which can never be successfully assailed by reason or argument. It has grown stronger in the minds of men the more it has been discussed, and it will still grow stronger as the discussion proceeds and time rolls on. Truth is omnipotent and must prevail. We have only to maintain the truth with firmness and wield it aright. Our system rests upon an impregnable

basis, that can and will defy all assaults from without. My greatest apprehension is from causes within,—there lies the greatest danger. We have grown luxuriant in the exuberance of our well-being and unparalleled prosperity. There is a tendency everywhere, not only at the North, but at the South, to strife, dissension, disorder, and anarchy. It is against this tendency that the sober-minded and reflecting men everywhere should now be called upon to guard.

“My opinion, then, is that delegates ought to be sent to the adjourned Convention at Baltimore. The demand made at Charleston by the seceders ought not to be insisted upon. Harmony being restored on this point, a nomination can doubtless be made of some man whom the party, everywhere, can support, with the same zeal and the same ardor with which they entered and waged the contest in 1856, when the same principles were involved.

“If, in this, there be a failure, let the responsibility not rest upon us. Let our hands be clear of all blame. Let there be no cause for casting censure at our door. If, in the end, the great national Democratic party,—the strong ligament which has so long bound and held the Union together,—shaped its policy and controlled its destinies,—and to which we have so often looked with a hope that seldom failed, as the only party North on which to rely, in the most trying hours when constitutional rights were in peril, let it not be said to us, in the midst of the disasters that may ensue, ‘you did it!’ In any and every event, let not the reproach of Punic faith rest upon our name. If everything else has to go down, let our untarnished honor, at least, survive the wreck.

“ALEXANDER H. STEPHENS.”

In a letter of May 23d, to R. M. J., he writes:

“I greatly fear that our friends in Athens, as well as elsewhere, have sowed the wind and may reap a whirlwind beyond their control. I have no idea that —, or —, or thousands of others who favored this secession movement,\* dreamed of the consequences of this misguided course of the counsels of those in whose judgment they placed confidence. All this I warned them of. I fear it is now too late to save them from the conflagration their random sparks, foolishly and wickedly scattered about in the midst of combustible materials, will bring upon us. What is to be the end I do not know: I cannot foresee. But if there ever was a time for wise, prudent, and firm men to speak out and put forth all their energies, *that time is now*. The indications now are that the American party in Georgia will not run Bell. They will fall in with the sectional organization to be formed at Richmond. Should the great mass of the Democratic party South, or even a respectable portion, go that way, the nominee of

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\* The secession of the Alabama, Georgia, and other delegations from the Charleston Convention.

the Baltimore Convention will be defeated, let him be who he may. The election will be thrown into the House, and in that event, in the present general distemper of the times, I doubt if we ever have another President of the United States. We certainly shall not, unless the men who have brought these evils upon us change their present line of policy. And if they do, they will then be denounced as bitterly for traitors as Douglas is now."

In the latter part of this month Mr. Stephens spent several days with Mr. Johnston at Athens, attending the Supreme Court. One morning during this visit he was suddenly struck with vertigo, and afterwards suffered from it during the whole summer. Dr. Moore, of Athens, treated his case with nitric acid, from which he derived benefit; but all the following letters of this year contain allusions to his bad health.

On June 19th he writes, complaining of delays and irregularities in the mails, which he is disposed to look upon as another instance of the disjointedness of the times, and moral profligacy of public servants :

"The post-office is beginning to be a nuisance. It is now the field for almost as much espionage and villainy, from the prying into a private note to the stealing of a package of bank-bills, as ever the same institution was in Spain, or is now in Cuba. . . . I have no idea what will be done in Baltimore; my conjecture is that they will blow up in a row. The seceders intended from the beginning to rule or ruin; and when they find that they cannot rule, they will then ruin. They have about enough power for this purpose; not much more; and I doubt not but they will use it. Envy, hate, jealousy, spite,—these made the war in heaven, which made devils of angels, and the same passions will make devils of men. The secession movement was instigated by nothing but bad passions. Patriotism, in my opinion, had no more to do with it than love of God had with the other revolt. . . . I am always more or less an invalid in summer. Last year was the exception with me. I enjoyed better health that summer than I ever did in my life, taking the whole summer together. I have no hope of doing so well this summer, if ever again."

*July 12th.*—"I am surprised that anybody could have supposed it possible for me to support the seceders' nomination. I should have to blot out my own record for several years past to do this. Others may eat their words, but I do not feed on such diet. It is to me the worst sign of the times to see so many of our public men doing this thing. The surest sign that a dog is going mad is to see him eat his own ordure; and this eating of words and old party principles is, in my judgment, a like sign of ap-

proaching *rabies* among the people. But good-by. I am out of politics, and mean to stay out."

But notwithstanding his firm resolve to keep out of politics, and his very feeble health, his extreme anxiety at what he believed to be the greatest peril that had ever menaced the country drew him to take a part in the Presidential campaign of this year. Of these speeches only one has been reported,—a very powerful address made in Augusta, on September 1st; and during its delivery he was compelled to pause for some minutes from sheer exhaustion. In it he announced his belief that in less than six months the country would be convulsed by war. His best friends thought that the weakness of his body had mounted to his head; while the less charitable said, "He is insane!"

The excitement produced by the election of Mr. Lincoln, by a purely sectional vote, was intense, in Georgia as well as in the other Southern States. Not merely the fiery spirits who had long been desirous of a separation, but the more sober and far-seeing began to ask themselves what was the real value to the South of that Union which they had been accustomed to look upon almost with idolatry, as if it were in itself an end, instead of being only the means toward an end. True, in the Union they had attained great prosperity; but was this owing to the Union? Had it not, in truth, rather been accomplished in spite of it? One great advantage which the friends of the Union had always represented as cheaply purchased by the pecuniary sacrifice which this connexion entailed on the South, was the strength of the united republics against a foreign enemy. But in the two wars which had occurred since the Union was formed, the Northern States—or a considerable portion of them—had not only entered with reluctance, but had shown no equivocal symptoms of refusing to bear their share of the common burden. Supposing the Southern States attacked by a powerful foe, was it so very improbable that the North might decline all participation in the contest?—nay, might they not make common cause with the enemy? The circumstances attending and following the atrocious attempt of John Brown, and the sympathy openly and widely expressed for that malefactor, made such a suspicion

by no means unreasonable. Then the recent political victories, such as the passage of the Kansas Bill, what were they after all but the concession of the simplest rights, only won after the fiercest struggle, and held by the most precarious of tenures? Did such a Union offer sufficient advantages to tempt them to await the time, certainly not very far distant, when the North having obtained the requisite majority in both Houses of Congress would have the South hopelessly at her mercy? If, as even the most temperate conceded, such a state of affairs would justify separation, even though it had to be effected by arms, why wait, when every day increased the proportionate strength of their adversary?

It was while thoughts like these were beginning to force themselves upon even moderate and prudent men, that Mr. Stephens was invited by the Legislature of Georgia to give them his views and counsel in this great crisis; and he addressed them on the 14th of November. As this speech is one of the most important of his life, and fully illustrates his views, both as patriot and as statesman, we give it entire in the Appendix.\*

The effect produced by this speech was a general impression that it had given the quietus to secession in Georgia. The Hon. T. W. Thomas, a warm personal friend of Mr. Stephens, taking this view of the subject, and feeling deep mortification and chagrin at the expected result, believing that Lincoln's policy would be carried out without resistance, and that the institutions of the South would be overthrown, sought to revive his spirits by giving a social dinner at a hotel in the city. The guests, of whom Linton Stephens was one, were all his special friends. The party sat over their wine until a late hour, when just before breaking up, Thomas called the head-waiter, a colored man, and taking from his pocket a silver dollar, said, in his peculiar vein of

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\* Appendix B. This speech was made off-hand, and the stenographic report is very imperfect. At its close, the Hon. Robert Toombs, his distinguished opponent, arose and said, "Fellow-citizens, we have just listened to a speech from one of the brightest intellects and purest patriots that now lives. I move that this meeting now adjourn, with three cheers for Alexander H. Stephens, of Georgia!" The applause thus invoked was tremendous.

solemn drollery, "Here, Charley, my friend, and soon to be my fellow-citizen, take this in remembrance of me; and when you come to your kingdom, do unto me as I do unto you." This was, in one sense, a true prophecy; but its fulfilment came from a source directly opposite to that which he had apprehended.

We turn again to the correspondence:

*November 21st.*—"I see by the *Constitutionalist*" [the leading Democratic paper of the State] "of last night that my plan is not to be backed by that paper. It is going, I suppose, for immediate secession. What else to make of it I do not know. This disheartened me a good deal. I shall patiently wait for further developments, and shall, in the mean time, hold on to my line of policy without wavering or faltering. I think it is right. If that paper is now following the lead of Mr. Toombs, as I apprehend, I do not know what he meant by saying that he did not want the issue in our election to be made on union or disunion *per se*. Why did he say that he did not want any disunion man elected to the Convention? Secession or separation and disunion mean the same thing. I do not see how, under the idea of the *Constitutionalist*, the Convention can be chosen but upon the issue of union or disunion without further effort. We have indeed fallen upon sad times; and I doubt if there is enough patriotism in this country to save us from anarchy, either in the Union or out of it."

*November 23d.*—"Yesterday evening I had a visit from Banks, formerly of the *South Side Democrat* (Virginia); more recently from Washington, a leading Douglas man in the late nomination and canvass. He was on his way from Alabama to Washington, and called to see me. His object seemed to be to get the run of Georgia politics, and to know what our State would do. He was much pleased with my late speech at Milledgeville, and thinks that all the South, Virginia, Kentucky, and Maryland, could be brought to the line of policy therein indicated, if South Carolina could be induced to hold off from any separate rash action. He wished me to write to Governor Letcher, and get him to convene the Virginia Legislature at an earlier day than that announced, in order to send a Commission to South Carolina before their Convention sits. I told him that Letcher would see my speech; and I did not think it would do any good to write to him."

*November 24th.*—"We had a county meeting to-day. I gave them a talk,—literally a talk. My cold and cough were so bad that I could not speak. The meeting was large,—all parties out. We passed resolutions declaring Lincoln's election no cause for secession, and approving a call for a State Convention. My talk took well with the people. After this was all over, a motion was made to nominate candidates for the Convention. Monk moved that Judge Perkins and myself be unanimously nominated. This was done. But I do not yet know whether I shall go or not. I have not

made up my mind. I had no idea of any such nomination being made when I went over to the meeting."

*November 25th.*—"On my return last evening I got a great number of letters from all parts of the country, except the Western States. My speech, I find, has had the most general circulation at the North, I suppose, of any speech ever made in the United States. . . . The great bulk of the letters I receive are in relation to it, and every one in the highest commendation, except one. That one was from a Georgia lady in New York. She don't like it. She is for immediate unconditional secession. Several of my letters are from Republicans; one of them from one of Governor Banks' aides, of Massachusetts. They all state that my demands will be granted. George P. Curtis, from Boston, an old Webster Whig, says that he believes Massachusetts will repeal her laws; that if our State would send a proper man there, it would, in his judgment, be done. They intend, at any rate, to make the effort; and if they do not, we would be justified in quitting the Union. . . . I have no doubt of our success, if we will seek the redress of our wrongs in the right spirit, and with an honest purpose. But my apprehension is that that is not the object of our agitators. They do not wish a redress of our grievances. . . . We are, I fear, in the hands of those who are bent upon dissolution at all hazards. Nothing will satisfy them but to get out of the Union and form a separate government. I have great apprehension that this will be the prevailing sentiment of our Convention. The evil genius of civil discord seems to be rampant."

*November 30th.*—"I am daily becoming more and more confirmed in the opinion that all efforts to save the Union will be unavailing. The truth is, our leaders and public men who have taken hold of this question, do not desire to continue it on any terms. They do not wish any redress of wrongs; they are disunionists *per se*, and avail themselves of present circumstances to press their objects; and my present conviction is that they will carry the State with them by a large majority. What I say on this point is for your own reflection only. I write just as I would talk to you, that you, for your own information, may know what I think of the ultimate course of events, and not with the view either to influence your judgment or that of others, much less their action, as might be the case were my opinions known, as my opinions may be erroneous. Let the popular will be as fairly represented as possible."

*December 3d.*—"Letters from all parts of the country continue to pour in on me. I find it impossible to answer them all. Last night I got one from Richard Brodhead, of Pennsylvania, former Senator. He was greatly pleased with my speech, and gave it as his opinion that the present Republican Legislature of Pennsylvania would immediately, in January, repeal their Personal Liberty Laws. He thinks that if we would be moderate as well as firm, all will be right. Other letters, of the most fulsome character, I have received, from Memphis, Detroit, New York.

But I will say no more. I fear it will all come to nought; that it is too late to do anything; that the people are run mad. They are wild with passion and frenzy, doing they know not what.

"This is a beautiful, clear, cool day, a big frost in the morning with a considerable freeze, but now pleasant and charming. The air is still, and all things look pleasant in the calm, placid sunshine. If I were well enough to be out in it, it seems that I should rejoice to walk abroad in such an elastic atmosphere. But I can only indulge in fancy as I peep through my windows, sitting as I am by a comfortable fire with Rio, poor fellow, sleeping at my feet. He has been looking for me to go out with him for some time, until he got wearied at that, and then, child-like, fell asleep."

*December 22d.*—"Frank tells me that some of the Taliaferro boys have been to Augusta this week. The minute-men down there are in a rage at Toombs's letter. They say that he has backed down, that they intend to vote him a tin sword. They call him a traitor. Poor fools! So the world goes. I see that some of the secession papers have given him a severe railing. Mr. H. says his letter was the theme of constant talk on the cars, the fire-eaters generally discussing it, and saying that they never had any confidence in him or Cobb either. So the world again goes. These are but the indications of the fury of popular opinion when it once gets thoroughly aroused. Those who sow the wind will reap the whirlwind."

*December 29th.*—"I got a letter from Douglas last night, requesting my opinion on certain propositions of adjustment he had submitted to the Senate. I shall write to him to-day, telling him that I have no idea that the South would be satisfied with them, the ultra men especially; and I do not think any considerable portion of them would be [agreed to?]. I should not approve them myself. Better let all things remain as they are, so far as the Constitution is concerned. His proposition looks to constitutional amendments. The Constitution as it is, with a discharge of all its present obligations, is what I want."

*December 22d.*—(To R. M. J.) "I hear from divers quarters that Mr. Toombs's late letter is not well received by the precipitators, who call him all sorts of names. . . . So far from his letter being any back-down, I look upon it as a master-stroke to effect his object. He has more sense than any man in this movement. But from this effusion of indignation he ought to catch some slight glimmerings of what he may expect when his object is accomplished, and he attempts, as I doubt not he would, or will, to build up a new government on sound and correct principles. If the violent cannot now see his motive, how shall they appreciate his efforts hereafter? Just as the Mountain did Mirabeau in France."

Among the letters which his speech at Milledgeville brought Mr. Stephens was a brief note from the President-elect, asking for a revised copy. Mr. Stephens replied, stating that he had



not revised it further than looking over the reporter's notes, which were substantially correct. He concluded with the remark:

"The country is certainly in great peril, and no man ever had heavier or greater responsibilities than you have in the present momentous crisis."

Mr. Lincoln replied in a letter dated December 22d, and headed, "For your own eye only,"—an injunction strictly observed by Mr. Stephens, until the close of the war and the death of Mr. Lincoln removed all necessity for further secrecy,—of which these are the words:

"MY DEAR SIR,—Your obliging answer to my short note is just received, and for which please accept my thanks. I fully appreciate the present peril the country is in, and the weight of responsibility on me.

"Do the people of the South really entertain fears that a Republican Administration would, *directly* or *indirectly*, interfere with the slaves, or with them about the slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not an enemy, that there is no cause for such fears.

"The South would be in no more danger in this respect than it was in the days of Washington. I suppose, however, that does not meet the case. You think slavery is *right*, and ought to be extended; while we think it is *wrong*, and ought to be abolished. That, I suppose, is the rub. It certainly is the only substantial difference between us.

"Yours very truly,

A. LINCOLN."

Mr. Stephens's reply was as follows:

"CRAWFORDVILLE, GEORGIA, 30th December, 1860.

"DEAR SIR,—Yours of the 22d instant was received two days ago. I hold it and appreciate it as you intended. Personally, I am not your enemy,—far from it; and however widely we may differ politically, yet I trust we both have an earnest desire to preserve and maintain the Union of the States if it can be done upon the principles and furtherance of the objects for which it was formed. It was with such feelings on my part that I suggested to you in my former note the heavy responsibility now resting upon you, and with the same feelings I will now take the liberty of saying, in all frankness and earnestness, that this great object can never be obtained by force. This is my settled conviction. Consider the opinion, weigh it, and pass upon it for yourself. An error on this point may lead to the most disastrous consequences. I will also add, that in my judgment the people of the South do not entertain any *fears* that a Republican Administration, or at least the one about to be inaugurated, would attempt to interfere *directly* and *immediately* with slavery in the States. Their apprehension and disquietude do not spring from that source. They do not arise from the fact of the known anti-slavery

opinions of the President-elect. Washington, Jefferson, and other Presidents are generally admitted to have been anti-slavery in sentiment. But in those days anti-slavery did not enter as an element into party organizations.

“Questions of other kinds, relating to the foreign and domestic policy,—commerce, finance, and other legitimate objects of the General Government,—were the basis of such associations in their day. The private opinions of individuals upon the subject of African slavery, or the *status* of the negro with us, were not looked to in the choice of Federal officers any more than their views upon matters of religion, or any other subject over which the Government under the Constitution had no control. But now this subject, which is confessedly on all sides outside of the constitutional action of the Government, so far as the States are concerned, is made the ‘central idea’ in the platform of principles announced by the triumphant party. The leading object seems to be simply, and wantonly, if you please, to put the institutions of nearly half the States under the ban of public opinion and national condemnation. This, upon general principles, is quite enough of itself to arouse a spirit not only of general indignation, but of revolt on the part of the proscribed. Let me illustrate. It is generally conceded, by the Republicans even, that Congress cannot interfere with slavery in the States. It is equally conceded that Congress cannot establish any form of religious worship. Now suppose that any one of the present Christian churches or sects prevailed in all the Southern States, but had no existence in any one of the Northern States,—under such circumstances, suppose the people of the Northern States should organize a political party, not upon a foreign or domestic policy, but with one leading idea of condemnation of the doctrines and tenets of that particular church, and with the avowed object of preventing its extension into the common Territories, even after the highest judicial tribunal of the land had decided they had no such constitutional power. And suppose that a party so organized should carry a Presidential election. Is it not apparent that a general feeling of resistance to the success, aims, and objects of such a party would necessarily and rightfully ensue? Would it not be the inevitable consequence? And the more so, if possible, from the admitted fact that it was a matter beyond their control, and one that they ought not in the spirit of comity between co-States to attempt to meddle with. I submit these thoughts to you for your calm reflection. We at the South do think African slavery, as it exists with us, both morally and politically right. This opinion is founded upon the inferiority of the black race. You, however, and perhaps a majority of the North, think it wrong. Admit the difference of opinion. The same difference of opinion existed to a more general extent among those who formed the Constitution, and when it was made and adopted. The changes have been mainly to our side. As parties were not formed on this difference of opinion then, why should they be now? The same difference would, of course, exist

in the supposed case of religion. When parties or combinations of men, therefore, so form themselves, must it not be assumed to arise, not from reason or any sense of justice, but from fanaticism? The motive can spring from no other source, and when men come under the influence of fanaticism there is no telling where their impulses or passions may drive them. This is what creates our discontent and apprehension. You will also allow me to say that it is neither unnatural nor unreasonable, especially when we see the extent to which this reckless spirit has already gone. Such, for instance, as the avowed disregard and breach of the Constitution in the passage of the statutes in a number of the Northern States against the rendition of fugitives from service, and such exhibitions of madness as the John Brown raid into Virginia, which has received so much sympathy from many, and no open condemnation from any of the leading men of the present dominant party. For a very clear statement of the prevailing sentiment of the most moderate men of the South upon them I refer you to the speech of Senator Nicholson, of Tennessee, which I inclose to you. Upon a review of the whole, who can say that the general discontent and apprehension prevailing is not well founded?

"In addressing you thus, I would have you understand me as being not a personal enemy, but as one who would have you do what you can to save our common country. A word 'fitly spoken' by you now would indeed be like 'apples of gold in pictures of silver.' I entreat you be not deceived as to the nature and extent of the danger, nor as to the remedy. Conciliation and harmony, in my judgment, can never be established by force. Nor can the Union under the Constitution be maintained by force. The Union was formed by the consent of independent sovereign States. Ultimate sovereignty still resides with them separately, which can be resumed, and will be, if their safety, tranquillity, and security, in their judgment, require it. Under our system, as I view it, there is no rightful power in the General Government to coerce a State, in case any one of them should throw herself upon her reserved rights and resume the full exercise of her sovereign powers. Force may perpetuate a Union. That depends upon the contingencies of war. But such a Union would not be the Union of the Constitution. It would be nothing short of a consolidated despotism. Excuse me for giving you these views. Excuse the strong language used. Nothing but the deep interest I feel in prospect of the most alarming dangers now threatening our common country could induce me to do it. Consider well what I write, and let it have such weight with you as in your judgment, under all the responsibility resting upon you, it merits.

"Yours respectfully,

"ALEXANDER H. STEPHENS."

## CHAPTER XXXIV.

Feeling at the South—Secession of South Carolina—Conventions called by the other States—Views of Mr. Stephens—Real Causes of Complaint—Secession Rightful, but not Expedient—Will abide by his State—Thoughts and Memories—A Storm and a Speech—Break-up of the Cabinet—Fort Pulaski secured—Convention at Milledgeville—Speech—Ordinance of Secession passed—A Forged Speech—Sent to Montgomery—Formation of the Provisional Government—Elected Vice-President—Inaugurated—The Constitution—Toombs and Cobb—Relations with Mr. Davis—Anticipations.

EVENTS were now hurrying rapidly to a catastrophe. Considering the election of Mr. Lincoln, the first candidate for the Presidency who had offered himself as the representative of one section only, and the victorious champion of a party which openly professed hostility to the Southern States and their institutions, as the declaration of a settled purpose to carry that hostility into the Administration of the Federal Government, most of the leaders of public opinion at the South were convinced that the rights of the Southern States were no longer secure in the Union, and that their only safety lay in separation.

South Carolina immediately called a Sovereign Convention of the people, which, on December 20th, 1860, unanimously passed an Ordinance of Secession, repealing the ordinance which ratified the Constitution in 1788, and thus restoring South Carolina to the position of a separate and independent sovereign State. The six States of Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas followed the example of South Carolina, and called Conventions. That of Georgia was called to meet at Milledgeville on January 16th. The letters to Linton will show the further progress of events, and the views and action of Mr. Stephens at this critical time.

*January 1st.*—"It is night. I have just received your letter. I think the views you give as to the outline of what you intend to say to-morrow,

so far as relates to the course our own State ought to take, and the policy she ought to pursue towards South Carolina, are entirely correct. This letter, of course, you will not get until after your speech and until the election is over. But I assure you I feel the deepest concern in the progress of events on the other side of the Savannah River. By force of circumstances they will necessarily involve the interests and fate of Georgia.

"I have read the address put forth by the Convention at Charleston to the Southern States. It has not impressed me favorably. In it South Carolina clearly shows that it is not her intention to be satisfied with any redress of grievances. Indeed, she hardly deigns to specify any. The Slavery question is almost entirely ignored. Her greatest complaint seems to be the Tariff, though there is but little intelligent or intelligible thought on that subject. Perhaps the less she said about it the better. For the present tariff from which she secedes is just what her own Senators and members in Congress made it. There are general and vague charges about consolidation, despotism, etc., and the South having, under the operation of the General Government, been reduced to a minority incapable of protecting itself, etc. This complaint I do not think well founded. It arises more from a spirit of peevishness or restless fretfulness than from calm and deliberate judgment. The truth is, the South, almost in mass, has voted, I think, for every measure of general legislation that has passed both Houses and become law for the last ten years. Indeed, with but few exceptions, the South has controlled the Government in its every important action from the beginning. The protective policy was once, for a time, carried against the South; but that was subsequently completely changed. Our policy ultimately prevailed. The South put in power—or joined a united country in putting in power and sustaining the Administration of Washington for eight years. She put in and sustained Jefferson eight years, Madison eight years, Jackson eight years, Van Buren four years, Tyler four years, Polk four years, Pierce four years, and Buchanan four years. That is, they have aided in making and sustaining the Administration for sixty years out of the seventy-two of the Government's existence. Does this look like we were or are in an abject minority at the mercy of a despotic Northern majority, rapacious to rob and plunder us? It is true we are in a minority, and have been a long time. It is true also that a party at the North advocate principles which would lead to a despotism, and they would rob us if they had the power,—I have no doubt of that. But by the prudent and wise counsels of Southern statesmen this party has been kept in the minority in the past, and by the same prudent and wise statesmanship on our part I can but hope and think it can be so for many long years to come. Sound Constitutional men enough at the North have been found to unite with the South to keep that dangerous and mischievous faction in a minority. And though Lincoln has been elected, it ought to be recollected that he has succeeded by a minority vote, and even this was the result of a dissension in the ranks of the Conservatives or

Constitutional men North and South ; a most unfortunate and lamentable event, and the more so from the fact that it was designedly effected by men who wished to use it for ulterior ends and objects.

"Now we have real causes of complaint against the North,—or at least against certain States of the North,—causes which, if not redressed, would justify the extreme course, the *ultima ratio*, on the part of the South. These, however, are barely glanced at in the South Carolina address. These causes are the 'Personal Liberty Acts,' as they are called, in several of the Northern States. Other acts of their Legislatures which openly and avowedly refuse obedience to, or compliance with, their constitutional obligation to return fugitive slaves. These acts are in flagrant violation of constitutional obligations ; and they constitute the only cause, in my opinion, which can justify secession. All other complaints are founded on threatened dangers which may never come, and which I feel very sure could be averted if the South would pursue a judicious and wise course. Whether we ought to secede in consequence of the faithlessness of those Northern States alluded to is simply a question of policy. It is one on which able men and true may differ. One thing is certain : the South would be justified in doing it. For nothing is better settled by all law, recognized by savage as well as by civilized people, than that a compact broken by one party to it is not binding on the other. But if we secede, I should like to see it put on the right ground ; and while I think the ground would fully justify the act, yet I do not think it would at present be wise to resort to that remedy. For I feel confident that, if we should adopt the right course, those States would recede and repeal their obnoxious statutes. Hence I am mortified and grieved when I read such papers as the South Carolina manifesto. It is not on the right line.

"But I am grieved at almost everything I see and hear every day. The times are fearfully distempered. I am fully persuaded of one thing, and that is, there is no power on earth that can bring any good out of the present state of things. The progress of events cannot be arrested. I tell you now, as you cannot get this until after your election, and it cannot, therefore, influence your action in the matter. If you were not a candidate I should not allow my name to be used to-morrow for the Convention. I have no desire to be in that body. I have a repugnance to the idea. I believe the State will go for secession,—have believed it ever since I left Milledgeville. I have no wish to be in a body of men that will give that vote. My judgment does not approve it. But when the State acts I shall abide by her decision, with the fidelity of one who imagines he feels the dictates of patriotism as sensibly and as strongly as any one who ever breathed the breath of life.

"I must confess in the darkness and gloom that hang upon the future I see no prospect and but little hope for good government ever again in this country, North or South. The mischievous faction at the North will bear sway there. Constitutional liberty they never understood, or did not

like, if they did. How it will be with us at the South time must disclose; but when our public men act so unwisely under present circumstances, I cannot hope for much under their rule in the days of real peril. We are on the high road to ruin I verily believe. How far a man can, consistently with a proper sense of duty to his country, abandon it to its fate when he sees its fate inevitable, I will not undertake to say. But this country, as it was and has been, is entirely demoralized if not ruined. It is beyond the power of salvation. If I am elected, and you are, I shall go to the Convention simply to share your fate, and to link my destiny with yours and that of our State, just as I would, if I could, in the blow-up of a steamer at sea, get on the same fragment of the wreck with you and other dear ones, that we might in the last hour have the consolation of going down together.

"I am communing with you now as I do with no one else; and I would not have you mention my feeling to any one. I would give no one unnecessary pain in the anticipation of impending evils. Let all enjoy themselves who can; all indulge better hopes who can. Despair is a terrible feeling for one who has not the nerve to bear it. I feel as if I can bear anything. After all, perhaps what I apprehend will not take place. Don't, therefore, let what I write affect your cheerfulness. It may be a misfortune to have our lives cast upon such evil times. But still we have duties to perform, and these should be performed, to the best of our abilities, with fidelity under all circumstances, whether of good or evil. All that a man can do is to discharge his own duty, whatever that may be. This I shall do, to the best of my understanding of it, in whatever fortunes betide me or the country. I have ceased to put much confidence in our public men. Most of them are destitute of principle. I will not particularize. It is painful to me to think of it.

"To-day, after reading Judge Ezzard's late letter, coming out for immediate secession, on the back of Judge Nisbet's speech in Macon, to drown my thoughts on these disagreeable subjects, I took a long walk. The evening was cloudy, cold, and bleak. But I felt as if I wanted to get away from all company,—human company and human society at least. I took my poor old blind dog, string in hand, and sought solitude. I went through the old fields over on the Berry Little place, through the pines, sighing in the chill wind. I went until I came to the Bristow place,—the place your grandmother settled. Old memories were here awakened. I approached the old houses. What a wreck was before me! The inclosures and fences were all down. I went up to the spot where I first met you on my first visit to your grandmother after you went there to live. You were then a very little boy. You had run out at the gate to meet me. Do you remember the time and the spot? There this evening I stood and gazed on all around me. Emotions, deep and strong, swelled my breast, and for a time public affairs were all lost in contemplations of another sort.

"Rio, though sightless and almost deaf, seemed to be impressed, through some strange instinct, with the agitations of my mind. He whined in sympathy, and raised a mournful howl. I was looking at the old house, in all its present dilapidation and ruin,—the doors all broken down, and rooms now become a shelter for stray goats and sheep in foul weather. A few old peach-trees stood, the survivors of the orchard. A lonely cedar, on the edge where the yard used to be, remains to the memory of some kind hand that planted it. These scenes I had in full view when Rio gave utterance to his sympathetic melancholy howl. Aroused by this, I went on to the spring, leading him by the string down the rough hill-side path. That bold and pure fountain of cool waters in other days I found all covered with mud and sand. What a change in all things about this once human habitation from what I saw on my first visit to it! How changed those who imparted so much life and cheerfulness to this now dreary and desolate place! Many of them gone to the grave,—all of them, I believe, but yourself,—all gone from the land of the living. . . .

"With these reflections I wended my way back through the woods, the pines, and old fields, with a heart as bare, as desolate, and as shattered as the waste places I had been gazing and meditating upon. But enough of these gloomy midnight thoughts. Good-by. My best wishes attend you now and forever. It may be that I am too desponding as to the fate of our country. I hope and trust I am; but I give you my feelings as they are and have been for some time."

*January 3d.*—This letter was written the day after the election of delegates to the Convention. There had been a violent storm the day before, and Mr. Stephens remarked to a friend that this storm had cost the Conservative party at least ten thousand votes, and that the State was committed to secession.

"Yesterday was an awful day. The elements of nature seemed to be in accordance with the distemper of the times. I suffered severely with a headache, and should not have gone out, but was sent for to go to the court-house to make a speech. I went up,—found about one hundred persons standing about, some by the stove, some on the stair-steps, some in the jury-boxes, all dripping with wet, and exhibiting as hopeless a spectacle of men in dark and doubt, oppressed with some appalling calamity about to come upon them, as I ever beheld.

"I gave them a talk of about an hour and a half. The speech was well received by a large majority, though I gave them but little encouragement. I gave them many illustrations, but above all guarded them against panic. There was nothing to cause real alarm. If the worst came, we were abundantly able to defend and protect ourselves. The greatest danger was from fear or panic. I felt none of it. The sensation telegraphs from Washington had no effect on me. As to what our Convention would do



or ought to do I could not tell them,—that depended upon circumstances to be disclosed. All that I could say as to myself was that I should keep two things constantly in view. The first was the right, honor, safety, and security of Georgia,—*that* I should maintain at all hazards and to the last extremity. The second was the maintenance of the Union, if it could be done consistently with the other object. If I became satisfied that this could not be done, then I was for taking such measures as would by co-operation with other States lead to another Union on the basis of the present Federal Constitution, taking within it all who would comply with its existing obligations. I thought the Constitution as it is good enough. I saw no necessity for any new guaranty. South Carolina seems to think so too. She wants the Southern States to unite with her upon that; and if that be the basis, we have the admission of the present States,—Congress could not ask any but the adoption of the fundamental law of union, etc.

“When I got through, J—— II—— cried out ‘Three cheers for South Carolina!’ This he repeated three or four times, but got no response. . . .

“Yesterday was the worst day for an election I ever saw in Georgia. It has told greatly against the Conservative cause, I have no doubt. It really appears as if Providence was on the other side. From the beginning of this movement last spring every incident of what is termed *luck* seems to be against the Conservatives. I call it Providence. My reading of it is that a severe chastisement for sins of ingratitude and other crimes is about to be inflicted upon us,—‘when the wicked rule the nation mourns.’ We are about to suffer as we have never suffered before. This is my apprehension.

“I received the following despatch from Mr. —— at ten o’clock to-night:

“‘WASHINGTON, Jan. 1, ’61, 3 o’clock P.M.

“‘Cabinet broken up. Floyd and Thompson out. Coercion policy adopted by Administration. Holt, our bitter foe, Secretary of War. Fort Pulaski in danger. Abolitionists defiant.’”

Mr. Stephens was strongly disinclined to go to the Convention, but finally concluded to do so. On the 10th he wrote to his brother as follows:

“I look upon it as a fixed fact that the South will secede, and have been of that opinion ever since I was at Milledgeville. I saw that we were borne along upon currents that there was no hope of resisting. But I am just as firm in my judgment that the policy is wrong as I was then. What course I shall take will depend upon circumstances and what line is presented by the majority. I should like for unanimity to prevail; but it never can be on such a manifesto as South Carolina put forth, or on such a resolution as passed the Alabama Convention. I shall maintain my principles to the last, let what may come.”

The Convention met at Milledgeville on the 16th of January, and Mr. Stephens and his brother were present. The most important question brought before that body—except the Ordinance of Secession itself—was the substitute for that Ordinance drawn up by the Hon. Herschel V. Johnson (former candidate for the Vice-Presidency of the United States on the Douglas ticket), after consultation with Alexander and Linton Stephens. After recapitulating the grievances of which the South complained, this paper proposed that the Convention should invite the ten Southern States still in the Union, and “the Independent Republics of South Carolina, Florida, Alabama, and Mississippi,” to send respectively delegates and commissioners to meet the delegates from the State of Georgia in a Congress at Atlanta on the 16th of February, to take into consideration the existing state of affairs, and determine on a course of action. While refraining from making any formal demand on the Northern States for the repeal of the “Personal Liberty Acts,” the State of Georgia announced her unalterable determination to sever her connection with those States unless those acts were repealed; and she pledged herself, in the case of the Federal Government undertaking to coerce any of the seceded States in the mean time, to make common cause with such State or States. Finally, if all efforts failed to secure the rights of the State of Georgia in the Union, it was announced that she would resume her separate independence, and unite with the seceded States.

When this paper was offered, Mr. Stephens supported it in the following words:

“Mr. President,—It is well known that my judgment is against secession for existing causes. I have not lost hope of securing our rights in the Union and under the Constitution. My judgment on this point is as unshaken as it was when the Convention was called. I do not now intend to go into any arguments on the subject. No good could be effected by it. That was fully considered in the late canvass; and I doubt not every delegate’s mind is made up on the question. I have thought, and still think, that we should not take this extreme step before some positive aggression upon our rights by the General Government, which may never occur; or until we fail, after effort made, to get a faithful performance of their constitutional obligations, on the part of those confederate States which now stand so derelict in their plighted faith. I have been, and am still opposed

to secession as a remedy against anticipated aggressions on the part of the Federal Executive or Congress. I have held, and do now hold, that the point of resistance should be the point of aggression.

"Pardon me, Mr. President, for trespassing on your time but for a moment longer. I have ever believed, and do now believe, that it is to the interest of all the States to be and remain united under the Constitution of the United States, with a faithful performance by each of all its constitutional obligations. If the Union could be maintained on this basis, and on these principles, I think it would be the best for the security, the liberty, happiness, and common prosperity of all. I do further feel confident, if Georgia would now stand firm, and unite with the Border States, as they are called, in an effort to obtain a redress of those grievances on the part of some of their Northern confederates, whereof they have such just cause to complain, that complete success would attend their efforts,—our just and reasonable demands would be granted. In this opinion I may be mistaken, but I feel almost as confident of it as I do of my existence. Hence, if upon this test vote, which I trust will be made upon the motion now pending, to refer both the propositions before us to a committee of twenty-one, a majority shall vote to commit them, then I shall do all I can to perfect the plan of united Southern co-operation, submitted by the honorable delegate from Jefferson, and put it in such a shape as will, in the opinion of the Convention, best secure its object. That object, as I understand it, does not look to secession by the 16th of February, or the 4th of March, if redress should not be obtained by that time. In my opinion it cannot be obtained by the 16th of February, or even the 4th of March. But by the 16th of February we can see whether the Border States and other non-seceding Southern States will respond to our call for the proposed Congress or Convention at Atlanta. If they do, as I trust they may, then that body, so composed of representatives, delegates, or commissioners, as contemplated, from the whole of the slaveholding States, could, and would, I doubt not, adopt either our plan or some other, which would fully secure our rights with ample guaranties, and thus preserve and maintain the ultimate peace and union of the States. Whatever plan of peaceful adjustment might be adopted by such a Congress I feel confident would be acceded to by the people of every Northern State. This would not be done in a month, or two months, or perhaps short of twelve months, or even longer. Time would necessarily have to be allowed for a consideration of the questions submitted to the people of the Northern States, and for their deliberate action on them in view of all their interests, present and future. How long a time should be allowed would be a proper question for that Congress to determine. Meanwhile, this Convention could continue its existence by adjourning over to hear and decide upon the ultimate result of this patriotic effort.

"My judgment, as is well known, is against the policy of immediate secession for any existing causes. It cannot receive the sanction of my

vote ; but if the judgment of a majority of this Convention, embodying as it does the Sovereignty of Georgia, be against mine ; if a majority of the delegates in this Convention shall, by their votes, dissolve the compact of union which has connected her so long with her confederate States, and to which I have been so ardently attached, and have made such efforts to continue and to perpetuate upon the principles on which it was founded, I shall bow in submission to that decision."

In reference to his views at this time, Mr. Stephens elsewhere remarks :

"I did not attach any serious importance to the fact that the equality which had so long been maintained in the number of the non-slaveholding and slaveholding States no longer existed. It is true the loss of that equilibrium, or balance of power, as it was called, caused many at the time to come to the conclusion that the slaveholding States could not, with safety to themselves, remain longer in the Union without some additional guaranty. This was the belief of Mr. Calhoun. But the only true equilibrium, or balance of power, in my opinion, under our system, which it was essential to maintain, was the recognized Sovereignty of the several States. This was the all-powerful check against aggression upon the rights of any State. This was the complete regulator of the entire system. This was my view on the admission of California, as it was on the admission of Oregon. The result showed that, so far from the admission of those States working injuriously to the interests of the slaveholding States, by the loss of the balance of power, so called, California and Oregon became their allies on all these great constitutional questions. California and Oregon were as strongly opposed to the doctrines of the centralists as the Southern States were."

The substitute was rejected by the Convention, and the Ordinance for immediate secession passed by a vote of 208 to 89, Mr. Stephens voting "no." It was then moved that all the delegates should sign the Ordinance ; but before the motion was put to the vote, Linton Stephens, who also had voted against the Ordinance, drew up and presented to the Convention the following preamble and resolution :

" *Whereas*, The lack of unanimity in the action of this Convention in the passage of the Ordinance of Secession indicates a difference of opinion among the members of this Convention, not so much as to the rights which Georgia claims, or the wrongs of which she complains, as to the remedy and its application before a resort to other means of redress :

" *And whereas*, It is desirable to give expression to that intention which

really exists among all the members of this Convention, to sustain the State in the course of action which she has pronounced to be proper for the occasion; therefore,

“*Resolved*, That all members of this Convention, including those who voted against the said Ordinance as well as those who voted for it, will sign the same as a pledge of the unanimous determination of this Convention to sustain and defend the State, in this her chosen remedy, with all its responsibilities and consequences, without regard to individual approval or disapproval of its adoption.”

This preamble and resolution were carried at once without a count, and all the delegates present, including Mr. Stephens, signed the Ordinance, except six, who entered on the journal a declaration of their purpose to yield to the will of the majority of the people of the State.

Mr. Stephens was shortly afterwards elected to the Provisional Government at Montgomery, much against his wish, and he hesitated for some days whether or not to accept. He finally concluded to go, provided the Convention would pass two resolutions which he offered, touching the mode of organization of the Provisional Government, and the subsequent formation of a Permanent Government “upon the principles and basis of the Constitution of the United States.” These resolutions having passed with great unanimity, Mr. Stephens felt it to be “his duty to do all that he could to preserve and perpetuate the principles of our Federal system,” and consequently accepted the position.

It may be as well to mention here that the speech given above was the only one made by Mr. Stephens in the Convention on the subject of secession. A speech purporting to have been made by him, and extensively circulated in the North in 1864, was a mere forgery, contrived in that section for political purposes.

We now take up the correspondence with R. M. J. :

*February 2d.*—“Time rolls on rapidly, and each day brings with it a heavy load on me of unlooked-for duties. Only a month has passed, I believe, since I wrote to you, and now I have but a moment to devote to your service. In this moment I can say nothing that I could wish to say and would say, if I had time, of those great events that have happened since I saw you. I am going, as you see, to Montgomery. I am to start to-

morrow night, and am now very busy getting ready. It was with great reluctance, I assure you, I undertook this duty. It was only from a sense of duty, upon the urgent solicitations of a great many members of the Convention, representing the wishes, I was satisfied, of nine-tenths of the body, that I should go. But one man voted against it,—that man was my old friend —. I expected nothing else from him, and he perhaps was right in his vote. My own feelings were as averse to my going as his could possibly have been. I yielded to others just as I did last year when I consented to the use of my name as an Elector at large on the Douglas ticket in our State. I did not think any good would come from that consent, and I don't now think any good will come of yielding in this instance to like earnest entreaties on the part of others. I have, however, yielded, and I will perform the duty to the best of my ability. My apprehension and distrust of the future arises from the want of high integrity, loyalty to principle, and pure, disinterested patriotism in the men at the head of the movement, who necessarily control it, at least for the present. This is a melancholy truth. It is with pain I write it. I would not write it to any one where the utterance of it could be of any public injury; but to *you* I may and will express myself as I feel. And to show that what I have said does no injustice to any, I can bring a great array of evidence. . . . My word for it, this country is in a great deal worse condition than the people are at all aware of. What is to become of us I do not know. I shall go to Montgomery,—do all I can to prevent mischief, if possible,—and if the new Government shall be successfully launched, as I sincerely hope it may be, then I shall again go into that retirement so congenial to my feelings. If my efforts in this last movement shall fail,—if I see no prospect of doing good at Montgomery, I shall retire and give up all as lost. Don't think me desponding,—I write to you exactly as I feel: and what I write is for yourself alone. Whatever feelings of despondency I have in looking to the future come from my knowledge of the men in whose hands we are likely to fall. They are selfish, ambitious, and unscrupulous. Republics cannot be built up or successfully administered without the strictest and sternest virtue and purest patriotism on the part of those at the head of affairs."

A brief note written later on the same day, seems to have been intended as a partial corrective to the tone of the former, that the floods of Coeytus might not roll altogether over the soul of his correspondent.

"I was rather dispirited when I wrote you my long letter to-day. You must make some allowance for that. I am still in the same depressed state of mind, and have been ever since the burst-up at Charleston. I shall, however, continue to hope for the best and strive for the best, as I have all along been doing, while I shall still be prepared in mind for the worst."

*Montgomery, February 5th.*—"Nothing was done after organization except the appointment of a Committee to prepare and report rules. This was on my motion, and of course I was put on the Committee, though I requested Cobb [Howell Cobb, President of the Provisional Government] not to do it. I did not wish to be on it. I made the motion merely because the crowd generally seemed green and not to know how to proceed. South Carolina and Mississippi had instructed their delegations to vote by States; and Louisiana members said the same of their State. I saw, therefore, that there was no doing anything until some rules of proceeding were adopted. The Committee appointed was Stephens, Keitt, Curry, Harrison, of Mississippi, and Perkins, of Louisiana. All were in my parlor last night except Curry, who sent word that he was sick. Before they came I had drawn up a set of rules which I submitted to them, and, with one or two exceptions, they were adopted by the Committee. I culled them partly from the rules of the United States Senate and House of Representatives, and there were some entirely new ones that I introduced. After the report was agreed upon, I went to the printing-office, after ten o'clock at night, and got them to promise to strike off fifty copies by twelve o'clock to-day for me, at my expense."

*February 9th.*—"We agreed last night at about midnight to a Constitution for a Provisional Government for the Confederate States. That is the name. It is the Constitution of the United States, with such changes as are necessary to meet the exigencies of the times. Two new features have been introduced by me: one, leaving out the clause that excluded Cabinet Ministers from being members of Congress; the other, that Congress should not have power to appropriate any money unless it be asked for by the Executive or some one of the heads of Departments. Wright and myself were on the Committee from Georgia to report the Constitution. Each State had two members on it. Memminger, of South Carolina, who moved the raising of the Committee, was Chairman.

"We have just elected the President and Vice-President of the Confederacy. Mr. Davis, of Mississippi, was unanimously chosen President, and I was unanimously chosen Vice-President. I knew that such was the understanding as to what would be the result, and did not go to the hall when the election took place. The vote was cast by States. I have a good deal to say about this and other matters transacted here when I see you."

*February 10th.*—"To-morrow I am to be inaugurated, or signify my acceptance and take the oath of office publicly in the Congress hall at twelve o'clock. . . . I almost shrink from the responsibilities I shall assume. To making any speech on the occasion I have a strong aversion; but such is the request in the letter asking my acceptance."

*February 11th.*—"This, as you know, is my birthday; and this day at the hour of one I was inaugurated (if such be the proper term for the proceeding) Vice-President of the Confederate States of America. The co-

incidence, altogether accidental, made a marked impression upon my mind. The remarks I made you will of course see. They were delivered as if extemporaneous, though they had been written and committed to memory. As you will see, they were very short. I wrote them down this morning before going to the Capitol. There was, I suspect, great disappointment at their brevity. I had been urged to make a speech, and a very large crowd was assembled to hear it. I was satisfied that such a course would be injudicious, indelicate, and improper. Since it is all over, a great many have told me that I did exactly right. I was governed entirely by my own judgment and sense of propriety in the matter."

*February 17th.*—(To Linton.) "The President-elect reached here last night at ten o'clock. Mr. Toombs, Mr. Crawford, and myself called at his hotel at ten this morning, but he was not up. . . . I get about thirty letters daily, but cannot answer above fifteen of them. As to the point in the new Constitution you mention, I will state that the provision I wished is in it; that is, the *exclusion* in the old Constitution is omitted. All I wanted is that the President should not be forbidden to go into the Houses of Congress in the selection of his Cabinet. I think it would be better still to *require* him to do it, but that is not so important. Mr. Toombs backed the policy with great force. I had the clause of prohibition left out of the draft submitted by the Committee. I was on the Committee. Upon motion to insert it, in the House, Mr. Toombs sustained my position. This, however, is one of the secrets of our body, which you will so regard; and I would not communicate it to you but for the fact that we are permitted to disclose any of these secrets to our State Conventions in secret session; so, as you are a member of that Convention, I can state it to you in confidence. Mr. Toombs tells me, however, that in the Committee raised to present a constitution of permanent government he has been out-voted on this point; that the old clause is retained, and that we shall have a fight over it in the Congress when the report is made. He is very friendly with me now, and confers freely with me on all matters either before his Committee on the Constitution or before Congress. He now seems to be as cordial as he ever did in his life.\* He never lets Cobb pass without giving him a liek. The other night, in high glee, he told him in company that he had done more for secession than any other man. He had deprived the enemy of the sinews of war, and left them without a dollar in the treasury. He did not even leave old 'Buck' two quarters to put on his eyes when he died. This is a sore point with Cobb; but Toombs seemed disposed to rub in the salt. Even when the skin was off, he applied it to the raw."

*February 21st.*—"I am bored to death with company and calls. . . . Sometimes it does seem to me that it will kill me. I cannot get ten

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\* After the wide difference between them on the question of secession, there had been a temporary suspension of that warm cordiality which had always before existed.



minutes of solitude during the twenty-four hours. As one leaves another calls. . . . When the Cabinet will be announced I do not know. Mr. Toombs, I think, will be sent in for the State Department. He declined at first. The President telegraphed him asking a reconsideration, and he replied last night that he would accept temporarily. He wishes to hold his place in the Senate under the Provisional Government. The President seems to be entirely confidential in his relations with me."

*February 21st.*—(To R. M. J.) "I am occupied day and night; never did I have such a heavy load of work on my hands. Sometimes I think I shall sink under it. If it was not for calls and visitors I could get along; but almost every moment of the day, when I am out of Congress, until twelve at night, I have to receive and talk to people calling to see me on business. As to public affairs here, I am gratified in feeling able to say that they promise better for the future than I expected. I am, however, still filled with solicitude and anxiety. My every effort is devoted to the public weal, and my earnest hopes are that all will yet end well. Greater difficulties surround us than I fully realize: perhaps I am more apprehensive in relation to their extent and magnitude than I ought to be. I know I am much more so than the majority of those with whom I come in contact. Still, I cannot divest myself of deep anxiety, and a consideration that we have more troubles ahead than many of our more sanguine friends see or realize. There is more conservatism, as it is called, in Congress than I expected to see, and this increases my hopes.

"I was induced to accept the place under the Provisional Government assigned to me from no motive in the world but a desire to promote the public weal. I thought it would have that effect, and therefore could not decline. As far as my individual wishes are concerned, I assure you I would not exchange the pleasures of one day at my quiet home for all the honors or emoluments of all the offices and powers this world could bestow.

"It will require a great deal of patience, forbearance, and patriotism on the part of the people to bear us successfully through the dangers that surround us. All must be content with knowing that we will do the best we can under the circumstances: this, I think, is the desire of Congress, and to this end their labors will be devoted. And what they do will be sustained by a generous patriotism on the part of the people. Many inconveniences incident to a change of government will be looked for and borne with fortitude by the people. War I look for as almost certain. Every effort should be made to avoid it, if possible, consistent with honor and right. But we are told by high authority that 'offences must needs come'; and I think this is one of the occasions on which we may expect such a result."

## CHAPTER XXXV.

Peace Congress—Commissioners appointed to the United States Government—How Mr. Davis was nominated—Character of the Confederate Congress—The South and the West—Hopes and Fears—Action of the Federal Government—Secretary Seward's "Faith"—A Declaration of War—Speech at Savannah—Capture of Fort Sumter—Call for Seventy-five Thousand Men—Secession of Virginia—Sent as Commissioner to Richmond—The 19th of April in Baltimore—Excitement throughout the South—Convention between Virginia and the Confederate States—Financial Policy of Mr. Stephens—Death of Mr. Douglas—Linton joins the Army—Mr. Stephens in Richmond.

WE can but briefly indicate the political events that were occurring at this critical time. On the 4th of February what was called the Peace Congress, for devising some plan for pacification, met at Washington at the call of Virginia. Thirteen Northern and seven Southern States were represented in it. The attitude of the Northern delegates was one of defiance; and their most distinguished man, Salmon P. Chase, afterwards Chief Justice of the United States, declared emphatically that the North and West would never fulfil their constitutional obligations or regard the decisions of the Supreme Court upon the question of slavery; that they would never allow the South a share in the common territory, nor return fugitive slaves. That they considered that those "principles," as he called them, had triumphed in the election of Mr. Lincoln, and would be maintained at all hazards. With such an attitude on the part of the North, of course any reconciliation was impossible, and the Peace Congress accomplished nothing except giving the South clearly to understand that fact.

On the 15th of February the Confederate Congress passed a resolution instructing the President to appoint, after his inauguration, three Commissioners to be sent to the United States Government "for the purpose of negotiating friendly relations"

"and for the settlement of all questions of disagreement." The President-elect had not yet reached Montgomery, but after his inauguration, in compliance with the resolution, appointed Mr. John Forsyth, of Alabama, Mr. Martin J. Crawford, of Georgia, and Mr. A. B. Roman, of Louisiana,—all three able and patriotic men.

*February 23d.*—(To Linton.) "I concur with you as to Mr. Toombs's superior qualifications for the Presidency to those of any other man connected with the late secession movement, and I have but little doubt that he would have been elected but for one thing, which I will explain hereafter.

"I went to see the President this morning on his invitation through Mr. Secretary Memminger. He wanted me to head the Commission to Washington. I declined, because I did not think I could do any good. I have no idea that Mr. Buchanan will recognize our Government or enter into any treaty with us. He may entertain the question so far as to receive the Commissioners officially, and then turn them over to his successor. This even is doubtful. That, it is true, would be a great point gained. But still the Commission, I think, will end without success. At least I see no other prospect, so far as any efforts I could exert. Under these feelings I declined, and urged upon him the appointment of one man from each of the late great divisions of the Southern people: one Bell man, one Douglas man, and one Breckenridge man. As the Bell man, Judge Hilliard, of this State; as the Douglas man, H. V. Johnson, of Georgia; the Breckenridge man, Benjamin, of Louisiana, who is to be the Attorney-General. Whom he will appoint I do not know, but think he will take Governor Roman, of Louisiana, for the Bell man. Yancey and Slidell will be on the mission to go abroad. Who the other will be, if there is a third, I do not know. This is not agreed upon. Mallory, of Florida, will be the Secretary of the Navy, and Elliot, of Mississippi, Postmaster-General. The Florida people are very much opposed to Mallory, but I think he will be presented."

The explanation promised Linton in this letter was afterwards given by Mr. Stephens in conversation with R. M. J. (May 24th, 1862), and noted at the time:

MR. S.—"What I know about Mr. Davis's nomination for President can be told in few words. Toombs and I, as we got upon the cars at Crawfordville, on our way to Montgomery, met Mr. Chestnut. The latter said that the South Carolina delegation had talked the matter over, and looked to Georgia for the President. I remarked that either Mr. Toombs, Mr. Cobb, Governor Jenkins, or Governor Johnson would suit very well. He answered that they were not looking to any of the others, but to Mr. Toombs and myself. I told them, very frankly, that I did not wish the

office ; that as I had not been in the movement, I did not think it policy to put me in for it. After getting to Montgomery, Mr. Keitt told me that I was the preference of the South Carolina delegation, and asked if I would serve if elected. I told him that I would not say in advance whether I would or would not accept. Even if unanimously chosen, I would first consider whether or not I could organize a Cabinet with such concert of ideas and ability as to justify hopes of success on such line of policy as I should pursue.

"The night after the adoption of the permanent Constitution, the motion was made to go into the election of chief officers. It was then suggested that the election should take place the next day at twelve m., and in the mean time the delegations should consult separately. The Georgia delegation met at ten o'clock on the morning of the day of the election. I proposed that we put in the name of Mr. Toombs for the Presidency, and asked him if he would have it. He said he would accept it if it was cordially offered him. Mr. T. Cobb and F. T. Bartow\* said that the delegations of Florida, Alabama, South Carolina, and Louisiana had conferred, and agreed to support Mr. Davis. Mr. Toombs seemed very incredulous of this, and his manner indicated some surprise. I did not understand this then, but did afterwards. The statement was reiterated ; and upon it the delegation forbore to nominate Mr. Toombs, but determined to appoint a committee to ascertain if the report was true. Mr. Kenan then proposed that if it should be correct I should be put forward for Vice-President. Judge Nisbet said, 'I second that, heartily !' Mr. Toombs said, 'I do, too ; what do you say, Aleck ?' I replied that I had not been in the movement, and doubted the policy of my assuming any office. But still there might be reasons why I should : as for the sake of harmony ; that if I were to have any, I decidedly preferred the Vice-Presidency to any office in the Government, but would not accept it unless it should be tendered me unanimously by the States and by every delegate. Mr. Crawford was then appointed a committee of one to ascertain and report to us, first, whether the report as to the action of those States was true ; and, second, if my nomination would be acceptable to the entire body. Very soon he returned and announced that both the conditions were fulfilled. I afterwards learned that the action of the States alluded to was based upon intelligence received by them the night before that Mr. Cobb would be presented by the Georgia delegation, and that Mr. Davis was not their choice. Toombs was the choice of the Florida, the Louisiana, and the South Carolina delegations."

J.—"Did not Mississippi desire Mr. Davis?"

S.—"They did not. They wished him to be the commander-in-chief of the army. That was what he wished also. He did not desire to be President."

J.—"For whom was Alabama?"

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\* Afterwards General Bartow, killed at the first battle of Manassas.

S.—“For Mr. Toombs, I think. It was in consequence of the understanding I spoke of that I did not go to the hall when the election took place.”

*February 25th.*—(To Linton.) “The President has sent in nominations for the Commission to Washington [names given as in letter of 23d] and they have been confirmed. I do not think Crawford will accept the appointment tendered him. He knew not one thing about it until Mr. Toombs told him about an hour before his name was sent in. He does not wish it. He was very anxious that Johnson should be appointed, and is exceedingly embarrassed in his present position.”

*February 26th.*—“I am now in hopes we shall get through with the permanent Constitution by an early day in next week. I intend to go home then. Crawford is in a great strait. He will, I suppose, now not decline, but is greatly embarrassed by it. I am getting home-sick. I fear that the appointing power will not act with sufficient discretion and wisdom. I was very anxious that H. V. Johnson should be appointed to Washington. He would have been a good and judicious appointment. Crawford fully agrees with me on this point.”

*February 27th.*—“The debates in this body are becoming a great bore to me. Only occasionally a member speaks whom I have any patience with. I fear we shall not get through with the permanent Constitution in time for the Georgia Convention next week.”

*February 28th.*—“In public business we are getting on slowly but harmoniously. I may be mistaken, but I think we have great troubles ahead,—not with this body but with the people. I have a great deal to say to you when I see you, but I cannot write. I am anxious to see you. I want to get home badly. . . . Crawford started for Washington last night. My advice controlled him in accepting the appointment.”

*March 1st.*—“The reason I have said so little on public affairs is twofold: first, the great uncertainty of anything I might say getting safely to you; and, secondly, the great uncertainty of my mind upon the course of events. All I can say would be speculative. I have thought, and still think, we shall have war. Still we may not, and I earnestly hope not. In all my letters to friends who have written to me for my views on particular questions I have concluded with these general ideas, that great forbearance and patience must be exercised by the people in sustaining those necessary inconveniences and burdens incident to a change of government,—the derangements of the mails, the derangements of commerce, the increase of taxes, these and a thousand other things not thought of must be borne with nerve and patriotism. If the public or body politic cannot stand this shock, I don't know what will become of us. We are getting along harmoniously here, but still I see great troubles ahead that nobody I meet with seems to be in the least aware of. This annoys me. We lack statesmanship of what I consider the highest order. We have but little, if any, of real forecast. This renders me uneasy.”

*March 3d.*—"Yesterday the President sent me a telegraphic despatch he had just received from two gentlemen in Little Rock, Arkansas, urging me to go to their State Convention. If I would go all would be right. So I went down to see him about it; told him it was out of the question for me to go. I could not undertake the travel if there were no other reason; but that I was confident I could do no good if I were there. I advised him to send Tom Cobb. He might be able to effect something. He immediately rang for a servant and sent for Cobb. Cobb came, and the President stated the object of his call. Cobb said he would reflect about it and give him an answer after the adjournment of Congress at the close of the night session. This interview was at six p.m. We were to have a night session at half-past seven. I did not attend it in consequence of my neuralgia, but Toombs reported to me this morning that Cobb declined to go."

*March 3d.*—After some sketches of the *personnel* of Congress, he remarks:

"Upon the whole, this Congress, taken all in all, is the ablest, soberest, most intelligent, and conservative body I was ever in. . . . Nobody looking on would ever take this Congress for a set of revolutionists."

*March 5th.*—"We have run against a snag, that is, a disturbing question in the formation of the fundamental law, not yet decided,—cannot say how it will be decided. Some feeling has been thrown into the debate, and some temper exhibited. . . . The general opinion here is that war is almost certain. This has been my opinion all the time. I see great troubles ahead."

*March 8th.*—"The most exciting of all the questions we have had was decided to-day. If we have no motion to-morrow to reconsider, I shall be glad. This was the clause relating to the admission of other States."

Mr. Stephens desired the Constitution to be so framed as to admit non-slaveholding States if any should incline to enter the Confederacy, as he thought might be the case with some of the States of the West. To this point he attached great importance, and often dwelt on it with great earnestness in conversation with his friends. He considered it a narrow and most erroneous policy not to leave a way open for the admission of other States, whether slaveholding or not. Indeed, one ground of his opposition to secession in the previous year was that he foresaw that such a policy would be insisted on by the men who would be the leaders in the new organization. "We should be known as 'The Black Republic,'" he would urge, "and as such should be without sympathy from any of the world outside."

After the secession had been accomplished, he was very anxious for the new Government to adopt such a policy as might induce the Western States, whose material interests were so closely allied with those of the South, eventually to join it. For, to use a phrase which we shall find him using hereafter, he soon came to the conclusion that unless the South could conciliate and control the West by reason and ideas, the West and Middle States would govern the South by force.

*March 10th.*—"This is Sunday night. We got through the permanent Constitution last night. I do not like all its provisions. . . . The only hard contests were in keeping it from being greatly worse than it is. I was in an agony all day yesterday for fear that some serious mischief might be done. A divided State only saved us several times upon points almost vital. I even still dread to-morrow, for fear that some new motion may be brought forward, though we have ordered it to be engrossed. There are some very bad passions and purposes beginning to develop themselves here. I am constantly suspended between hope and fear for the future. I have not yet any settled conviction or confidence on which I can rely. I am anxious to see you, when I can confer freely with you upon all these questions."

*March 13th.*—(To R. M. J.) "As to public affairs, I can only say that in my judgment our destiny, under Providence, is in our own hands. What our course shall be will depend upon our people. We are in the position of a young man of talent and ability setting out in life. As such a one, we shall be the architects of our own fortunes. With truth, fidelity, integrity, and industry a young man of parts in this world, under the smiles of Heaven, will seldom fail to succeed; and with virtue, patience, and patriotism on the part of our people, I doubt not the success, the complete success, of this our new enterprise. But should dissensions, strifes, and factions spring up among us, all will go to ruin. This is the riddle of our present position. We have all the elements of a great empire. All that is necessary for us to become so is the intelligence, virtue, and patriotism to wield them to that high end. I am not without hope that our people will prove themselves equal to the demand of the times."

The Confederate Commissioners, on the 12th of March, addressed a note to the new Secretary of State, Mr. Seward, informing him that they were commissioned by the Government of the Confederate States to make overtures for opening negotiations with that of the United States, with the object of a just and amicable settlement of the various questions relating to the common property, public debt, etc. Mr. Seward took no

official notice of this action, but sent a verbal message through Justice John A. Campbell, of the Supreme Court of the United States, to the effect that he was well-disposed toward peace, though an official answer to the Commissioners, in his opinion, would do harm rather than good. As to the Federal forts, he promised that Fort Sumter (South Carolina) would be evacuated by the United States forces in less than ten days, and that notification would be given of any design to alter the status of affairs at Fort Pickens (Florida).

Relying on the Secretary's faith, the Commissioners refrained to press for a direct official reply to their note until they heard that a squadron of seven ships had put to sea, under sealed orders, from New York and Norfolk. Fearing that this was intended to reinforce Fort Sumter, the Commissioners waited upon Judge Campbell to learn the facts of the case, and the judge addressed a note to Mr. Seward, asking if the assurances he had given in the latter's name were to be kept or violated. To this inquiry—on the 7th of April, at the time when the fleet conveying reinforcements and provisions to Sumter was nearing Charleston harbor—Mr. Secretary Seward replied to Judge Campbell, "Faith as to Sumter fully kept: wait and see." So soon as the Commissioners learned what had been done, on the 9th of April, they notified Mr. Seward that they considered the action of the United States Government, under the circumstances, "a declaration of war," and they withdrew from Washington. Judge Campbell, who had been made an involuntary instrument in this act of perfidy, soon after resigned his seat on the Supreme Bench.

On the 21st of March, Mr. Stephens, by request, addressed the citizens of Savannah on the state of public affairs. The Athenæum building was crowded to its utmost capacity, and a large assemblage collected outside the building, and remained though unable to obtain admittance. This address, from an expression which occurs in it, and which was grossly misrepresented, was known as the "Corner-stone" speech. It was delivered impromptu, and very imperfectly reported.

After calling attention to the fact that the Constitution of the Confederate States embodied all the essentials of the old Consti-



tution, he proceeds to enumerate the changes which had been introduced into the new instrument, which made it, in his judgment, decidedly better than the old.

"Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This subject came well-nigh causing a rupture of the old Union, under the lead of the gallant Palmetto State, which lies on our border, in 1833. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new."

After showing how the abuses which, under the pretence of "Internal Improvements," had been perpetrated under a wrested construction of the old Constitution, were done away with in the new, by leaving every locality to bear the burdens necessary for its own commerce or industry, he continues :

"Another feature to which I will allude is, that the new Constitution provides that Cabinet Ministers and heads of Departments may have the privilege of seats upon the floor of the Senate and House of Representatives,—may have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further and required the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which, in my judgment, is one of the wisest provisions in the British constitution. It is the only feature that saves that government. It is that which gives it stability in its facility to change its administration. Ours, as it is, is a great approximation to the right principle.

"Under the old Constitution, a Secretary of the Treasury, for instance, had no opportunity, save by his annual reports, of presenting any scheme or plan of finance or other matter. He had no opportunity of explaining, expounding, enforcing, or defending his views of policy: his only resort was through the medium of an organ. In the British Parliament, the Premier brings in his budget and stands before the nation responsible for its every item. If it is indefensible, he falls before the attacks upon it, as he ought to. This will now be the case, to a limited extent, under our

system. In the new Constitution provision has been made by which our heads of Departments can speak for themselves and the Administration in behalf of its entire policy, without resorting to the indirect and highly objectionable medium of a newspaper. It is to be greatly hoped that under our system we shall never have what is known as a government organ.

"Another change in the Constitution relates to the length of the tenure of the Presidential office. In the new Constitution it is six years instead of four, and the President is rendered ineligible for re-election. This is certainly a decidedly conservative change. It will remove from the incumbent the temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambition which should move and actuate one holding such high trusts in his hands will be the good of the people, the advancement, prosperity, safety, honor, and true glory of the Confederacy."

What he said on the subject of the "corner-stone" was substantially this:

"On the subject of slavery there was no essential change in the new Constitution from the old. As Judge Baldwin, of the Supreme Court of the United States, had announced from the Bench several years before, that slavery was the corner-stone of the old Constitution, so it is of the new."

On the 11th of April, General Beauregard, commanding the Confederate forces in Charleston, demanded the evacuation of Fort Sumter. On the next day he opened fire upon the fort, and the commander capitulated on the 13th. On the 15th, Mr. Lincoln issued his proclamation calling for seventy-five thousand troops; and on the 17th, Virginia, whose Convention was still in session, withdrew from the Union.

*April 17th.*—"There is no truth whatever in the telegraphic despatches that the President intends to head an expedition to Washington, and to leave me at the head of the Government here. He has no idea at present to take command of the army. The matters he wished to consult me about [Mr. Stephens had paid a short visit to Linton during the adjournment, and had returned to Montgomery in response to a telegram from the President] were the subjects of receiving volunteers from the Border States, the issuing of letters of marque, and other matters relating to the state of the country. A proclamation will be forthcoming to-morrow, I expect, inviting privateering. The proposals will be received and held ready for the action of Congress when that body meets. The proclamation will be put forth to let the Northern merchants know what they may expect, and to have privateers ready.

"It is expected here that Virginia will secede, and all the Border States will follow her; and then, I think, the whole North will consolidate. This will keep the Republicans in power. This is perhaps what they are mainly aiming at. But events happen so rapidly now that it is useless to speculate two days ahead."

*April 18th.*—"The news came that Virginia was out. Great rejoicing—firing cannon, etc. The day is brilliant. The news this morning is that General Scott has resigned. This is important, if true."

*April 19th.*—"In a few hours I am to start for Richmond. I shall, if nothing Providential prevents, pass by home to-morrow evening, and shall mail this on the road. I go to Virginia as a representative of this Government in forming a treaty of alliance offensive and defensive between this Government and that State. She, of course, will soon be a member of this Confederacy. But Governor Letcher has telegraphed for a Commission to be sent on forthwith, that the two Governments may act in concert in the impending dangers. They want help, expecting a hard fight soon. They are about, I take it, to seize Harper's Ferry and the Navy Yard at Portsmouth. Perhaps they are looking for an attack from Washington.

"I was strongly inclined not to accept the position, owing to my health and the apprehension that night travel might make me sick; but upon the urgent request of the President and all his Cabinet I have consented to go. The subject admits of no delay: Letcher telegraphed for immediate action."

*April 19th.*—(To R. M. J.) After expressing his deep sorrow at hearing of the death of Mrs. Church, wife of Dr. Church, President of the college, in whose family he had resided during his collegiate studies, he continues:

"Events of the greatest magnitude are now almost hourly developing. When the war that has now commenced will end no human power can divine. The issues are with Him who rules the universe, in whose hands are the destinies of nations. . . . The idea of Mr. Lincoln to urge a general war of subjugation against us seems to me to be too preposterous for a sensible man to entertain. But what his real designs are I suppose it would be difficult to imagine. The worst feature about it in prospect is the possibility that he has no real design on the subject, that he has no settled policy, that he is, like the fool, scattering fire without any definite purpose."

On the 18th of April the first Federal troops passed through Baltimore, and much excitement was created, though their passage was not opposed. On the 19th, a Massachusetts regiment, on its way through the city, was pelted with stones by a mob, and fired upon the people. They were then fiercely attacked, and several were killed on both sides, being the first blood shed

in the war. The greatest excitement prevailed : telegraph wires were cut, and the bridges destroyed on the roads leading to the North, to prevent the further passage of troops. The mayor of Baltimore sent three prominent citizens to wait upon President Lincoln and represent that any further attempt to pass Northern troops through the city would lead to a bloody conflict ; upon which the President promised that no more should be sent through. They were afterwards sent by the way of Annapolis, but considerable delay was thus occasioned.

On the same day (19th) a blockade of the ports of the seven Confederate States was declared, and on the 27th this blockade was extended to those of Virginia and North Carolina. On this day also (27th) President Lincoln authorized the suspension of the writ of *habeas corpus* near the military lines, and on the 10th of May authorized its suspension in Florida, all which acts were confirmed by the Federal Congress early in July.

*April 22d, Richmond.*—"I arrived this morning at six o'clock ; came through without stopping or any detention. All is excitement here. War-like preparations are seen at every corner and along every street. . . . The Governor of Maryland\* is with us. They are making strong resistance to the march of Federal troops through that State. Ten or fifteen thousand troops are detained on the other side of Baltimore. They are for Washington. A desperate and sanguinary conflict is at hand there. Maryland will be the battle-ground at first,—this I think probable. General Scott has not resigned and will not, from best advices. We are on the eve of a tremendous conflict between the sections. Sentiment is rapidly consolidating on both sides of the line. North Carolina is in a blaze from one extremity to the other. Yesterday, Sunday as it was, large crowds were assembled at all the stations along the railroad,—at Wilmington five thousand at least, the Confederate flag flying all over the city. I had to make them a speech at all the places,—only a few words at some, and longer at others ; at Wilmington nearly half an hour. I alluded to the Sabbath, and made the remarks as appropriate as possible. They were more like a sermon than a political speech.

"To-morrow, at one o'clock, I am to meet the State Convention here in closed-doors session. The mails north are all stopped, and there is no travelling even to Alexandria without special passport. Our people in

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\* Governor Hicks, who, after asseverating publicly, in the most solemn manner, that he would never draw the sword of Maryland against a sister State, became one of the most pliant instruments in the hands of the Government at Washington.

Georgia have no idea of the feelings entertained here of the dangers of impending war hanging on their immediate borders. All the cities and towns of Virginia are under guard day and night; and all persons not able to give an account of themselves taken up. There is a strong inclination on the part of some here to make an attack upon Washington. What course and policy will be adopted is not yet determined upon. . . .

"The people are in apprehension this city will be attacked by the forces now in the Chesapeake and Potomac below. There are no forts on the James River to prevent armed ships from coming up. The *Pawnee*, *Cumberland*, and others, with a large force of soldiers at Old Point, are below. I must now close for the mail. May God bless you and save our land from bloodshed!"

*April 25th.*—"The work of my mission is in suspense before the Convention,—been so hung up since yesterday. I am anxious as to its fate. The Virginians *will* debate and speak, though war be at the gates of their city. I shall be highly gratified if the convention I have entered into with the Committee of the Convention shall be ratified by that body. If it be rejected, I hardly know what course to pursue.

"This city is all excitement. Fifteen thousand troops are now here. All Virginia is in arms. Unless things have greatly changed in Georgia since I left, you can have no idea of the state of things here. Yet the Convention acts slowly: they are greatly behind the times. The first night I got here I made a speech in response to a serenade. The next day I addressed the Convention in secret session. All that I have said here, I am told, has been well received by all parties.

"My health holds up tolerably well; though I was very much relaxed and rather feeble the first two days. I am now stronger and better. Though I cannot be with you in person, my thoughts are with you."

The Ordinance adopting the Convention entered into between Virginia and the Confederate States, and the text of the Convention itself, ran as follows:

*"An Ordinance for the Adoption of the Constitution of the Provisional Government of the Confederate States of America.*

"WE, the delegates of the People of Virginia, in Convention assembled, solemnly impressed by the perils which surround the Commonwealth, and appealing to the Searcher of Hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this Ordinance, ADOPT AND RATIFY the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the 8th of February, 1861; provided that this Ordinance shall cease to have any legal operation or effect if the People of this Commonwealth, upon the vote directed to be taken on the Ordinance of Secession passed by this Convention on the 17th day of April, 1861, shall reject the same.

*"A true copy.*

JOHN L. EUBANK, *Secretary.*"

"CONVENTION BETWEEN THE COMMONWEALTH OF VIRGINIA AND THE CONFEDERATE STATES OF AMERICA.

"THE COMMONWEALTH OF VIRGINIA, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America, according to the provisions of the Constitution for the Provisional Government of said States, enters into the following temporary Convention and Agreement with said States, for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said Commonwealth and said Confederacy :

"1st. Until the union of said Commonwealth with said Confederacy shall be perfected, and said Commonwealth shall become a member of said Confederacy, according to the Constitutions of both Powers, the whole military force and military operations, offensive and defensive, of said Commonwealth, in the impending conflict with the United States, shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis, and footing as if said Commonwealth were now and during the interval a member of said Confederacy.

"2d. The Commonwealth of Virginia will, after the consummation of the union contemplated in this Convention, and her adoption of the Constitution for a Permanent Government of the said Confederate States, and she shall become a member of said Confederacy under said permanent Constitution, if the same occur, turn over to the said Confederate States all the public property, naval stores, and munitions of war, etc., she may then be in possession of, acquired from the United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

"3d. Whatever expenditures of money, if any, said Commonwealth of Virginia shall make before the union under the Provisional Government as above contemplated shall be consummated, shall be met and provided for by said Confederate States.

"THIS CONVENTION entered into and agreed to, in the City of Richmond, Virginia, on the 24th day of April, 1861, by Alexander H. Stephens, the duly authorized Commissioner to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for the said Commonwealth of Virginia, —the whole subject to the approval and ratification of the proper authorities of both Governments respectively.

"IN TESTIMONY WHEREOF, the parties aforesaid have hereto set their hands and seals, the day and year aforesaid, and at the place aforesaid, in duplicate originals.

"ALEXANDER H. STEPHENS, [SEAL.]

*Commissioner for Confederate States.*

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| <p>"JOHN TYLER,<br/>"WM. B. PRESTON,<br/>"S. MCD. MOORE,<br/>"JAS. P. HOLCOMBE,<br/>"JAS. C. BRUCE,<br/>"LEWIS E. HARVIE,</p> | <p style="font-size: 3em;">}</p> | <p><i>Commissioners</i><br/><br/><i>for</i><br/><br/><i>Virginia.</i></p> | <p style="font-size: 3em;">}</p> | <p>[SEAL.]<br/>[SEAL.]<br/>[SEAL.]<br/>[SEAL.]<br/>[SEAL.]<br/>[SEAL.]</p> |
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"Approved and ratified by the Convention of Virginia on the 25th of April, 1861.

"JOHN L. EUBANK, *Secretary*.

JOHN JANNEY, *President*."\*

*Crawfordville, April 29th.*—Mr. Stephens had just returned from Richmond, and spent a day at home. He writes to Linton, giving an account of the raising a volunteer company in Taliaferro, and thus continues:—

"What is to be the end of this impending conflict, or when the end will be, is beyond my conjecture. Never was the country so thoroughly roused, from the Rio Grande to the Canada line. The feeling at the North is just as intense, from all I can learn, as it is at the South. If one general battle ensue, it will take many men to end the strife. All things are in the hands of an overruling Providence, and He will shape events according to the counsels of His own will. The race is not to the strong nor the swift. Let us trust in Him, and that in His mercy the country may be saved from the terrible curse of a general fratricidal war. . . . I feel anxious to see the message of President Davis delivered to-day. I trust he will recommend defensive measures only, not aggressive or offensive. If we act on the defensive strictly, we may yet avoid a general war. This should be done, if it can be, honorably."

*Montgomery.*—Several letters follow, urging Linton to come to this city. He has been staying at home, preparing to raise a volunteer company.

*May 4th.*—"I think we shall move the Government in summer, perhaps to Richmond. That will be nearer the theatre of war. I am prepared for, and expect, a prolonged and bloody conflict. It may not be so. I hope it may not. But I have never believed that a separation of the States of the old Confederation would take place without a severe conflict of arms. How long it will last none can tell. Our Congress will have recognized the existing war, and made all arrangements and preparations possible to meet it by the time this reaches you, I expect. It will require great sacrifice on the part of the people to secure the success of our cause; but I feel entirely assured their patriotism is fully equal to the crisis."

*May 5th.*—"We have no news here; all in Congress goes on smoothly. But very little is doing except preparing for war on an extensive scale. It will take not less than forty millions per annum, I think, to maintain our cause while the conflict lasts. This, of course, to some extent, is conjecture. May God be with you and bless you! Don't fail to rely on Him and put your trust in Him."

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\* Further particulars concerning this Convention are given in *The War between the States*, vol. ii. p. 378.

*May 7th.*—He writes recurring to the fact that it is the anniversary of his father's death.

*May 13th.*—"We shall adjourn on the 18th, or perhaps on the 23d at farthest, to meet in Richmond in July. This has not been made public, and you will therefore keep it secret. I am glad you have determined to go into the volunteer service for the war. That bill for the war is a good one: we shall get a large force under it, but will not get all we shall need to meet the requirements, and have passed another bill to authorize the President to receive for any time he may think proper. Both bills will accommodate all and bring a very effective force into the field. Do not let the military ardor of our people be lessened. . . . I am very unwell to-day."

*May 14th.*—"Another memorable anniversary of an epoch of great grief and affliction to me. This day of May, 1826, your mother died, and with her death the fate of our little family was sealed. Father died on the 7th and she died on the 14th. . . . My grief was great on the death of my father,—almost greater than I could bear; but the cup of affliction did not run over until 'ma,' as we called her, was also taken from us. Then I felt that we should have to be dispersed; and we were dispersed. Who can tell what I suffered at that period of my life! The anniversary always fills me with sadness."

*May 14th.*—(To R. M. J.) "I have been, and am still, overwhelmed with public affairs. We are in the midst of a war of the hugest magnitude,—in every issue and consequence nothing short of political, and, it may be, of physical existence. What is to be the end is beyond the reach of human speculation. . . . The destiny of nations is in the hands of Him who directs all things according to the counsels of His own will. When I say that no one can tell what is to be the end of the conflict, I do not intend to be understood as expressing any apprehensions as to the success of our arms,—far from that. We cannot, I think, be conquered or subjugated under proper counsels. But when is the conflict to end, and what is to come after it? These are to me perplexing questions. I have but little doubt that the North will go into anarchy. What is to become of *us*? That depends upon the virtue, intelligence, and patriotism of our people. These noblest of all public traits (if I may so express myself in designating the character of bodies political) will, with us, soon be put to the severest test. I will not permit myself to doubt that the people of the South will prove equal to the crisis. I do not concur with those who think we shall have a short war. I wish I could. . . . I do not see any prospect of immediate peace, nor can I see how it will ever be attained,—I mean fixed and permanent peace between the sections. We may have suspension of hostilities,—truces,—temporary stipulations, etc. But how or on what principles a treaty of permanent peace is ever to be effected, I cannot now see. For instance, will the Confederate States ever make a



treaty that will not provide for and secure the rendition of fugitive slaves? Certainly not. Will any Administration of the United States ever agree to such a treaty? or if it should, will the people of those States ever sustain such an Administration, unless utterly exhausted by war?

"Congress will probably adjourn in a few days. The next session will most probably meet in Richmond, Virginia. The President, it is expected, will take command in person of our forces now in the field on the border. He will doubtless convene Congress at some place convenient for him to communicate with at his headquarters.

"One of the great pressures now upon us is the want of money. We have plenty just now; but our expenditures are upon a basis of not less, I suppose, than forty millions per annum. How are we to get the money? Loans, treasury-notes, and direct taxes are our only expedients. Taxes to meet interest on bonds and treasury-notes must be raised. It is thought that one-quarter of one per cent. on the property of the Confederate States will be sufficient. This will make the Confederate tax in Georgia about four times what our State tax has been for several years. Independence and liberty will require money as well as blood. The people must meet both with promptness and firmness.

"But I can indulge in this scribbling no further. My attention has been frequently called off since I commenced. To this fact ascribe any incoherency in the line of thought in it you may perceive. It is written for yourself only, not for the public in any sense of the term. We are all here harmonious and perfectly united. Every one feels the dangers that surround us, and every one seems determined to do his whole duty. Private considerations have all merged in the public safety.

"With best wishes for you individually, your family, and for our common cause and common country, I will say no more except that I am not well."

*May 25th.*—(To R. M. J.) "In my last I was certainly not inclined to indulge in gloomy forebodings,—far from it. I only intended to express the opinion that we were in for a long and severe conflict, the end whereof no one can see. This is so,—that is, such is my opinion; but while such are my views I take the survey without anything like depression or gloom. The future has to be met with spirit and energy. These with me are at the highest point needed. I did feel the deepest depression last week when in the penumbra of the shadows which the great events now before us were casting before them. But all that has passed away. I am now nerved for the conflict.

"You say J. J. heard in Montgomery that I thought there would be but little fighting. This is a great mistake. I have seen it in the papers that I thought there would be no war, but others thought that there would be, etc. At this statement I was almost provoked. For I have been of the contrary opinion *all the time*. I was *hopeful* there might not be, about the time Seward [a line illegible: probably refers to Seward's promise to

evacuate Sumter]—but this hope I had only for a short time. I soon saw it was a delusion, and I was recalled to my old conviction of an almost interminable war. I know there are but few who agree with me in this opinion. But it is mine, and has been all the time since the short period stated. We may have suspensions of hostilities, truces, etc., but how a permanent peace is *ever* to be made I do not now see. I gave you some inkling of the difficulties on this head in my last. I cannot now repeat them unless by enlarging on them. But this view of the future produces no effect upon me but to inspire me with energy to meet it with whatever magnitude of consequences it shall involve. We have the elements of independence, and these we must wield to the attainment of that, without hope for any peace from our enemies, or even exemption from aggressions, except such as power will secure."

On May 30th, Mr. Johnston, with Judge—afterwards Colonel—Thomas W. Thomas, made a visit to Mr. Stephens at Crawfordville. They found him quite sick with dysentery, but he had much to say about public matters. Of his remarks we append some notes.

MR. S.—"All Lincoln's Cabinet, except Blair, were opposed to the war at first,—honestly, as I think. They were driven into it by such men as Cassius M. Clay, Jim Lane, and the Republican Governors.

"The North, I believe, will go into anarchy. They have lost all appreciation of constitutional liberty. They may hold up for some time, and they may break down in six months. The ruin is certain to come. They never before had any just idea of the value of the South to them. Four hundred millions would not cover the losses they have already suffered by our breaking from them. They are now like leeches that have been shaken from a horse's legs, and are beginning to find out what it was that fattened them. We are the horse; and what they are determined to do is to get the horse back again."

JUDGE T.—"Governor Cobb thinks that when Congress meets, the showing which Chase will make, of money, will drive them to a cessation of hostilities."

MR. S.—"I wish from my heart it might be so. But I tell you that there is not the slightest chance for such a thing. You might as well expect two men, after they have stripped and exchanged blows, to pause and put their hands in their pockets in order to see if they have money or not. When that Congress meets, it will become an assembly of Jacobins, and will raise money if they have to lay assignats upon Astor and the other rich ones there. The Administration cannot stop the war. They are pushed on by the people, and those in the lead who hesitate will be hung or banished. The mild must give way to the violent, as the Girond-

ists gave way to the Mountain. Seward may be clever enough to become another Robespierre."

JUDGE T.—"What do you think of the South having a dictator?"

MR. S.—"That would never do. That would be the very worst thing we could do. We are the only people on this continent who have constitutional liberty. We must hold on to that and not part from it for a day.

"The War Department is managed badly. The Secretary is very inefficient. He'll 'do and do and do,' and at last do nothing. He is like a man who in playing chess thinks and thinks and thinks before moving, and at last makes a foolish move. He is very rash in counsel, and lamentably irresolute and inefficient in action. There were twenty thousand stand of arms offered us for sale. He postponed it until after the fall of Sumter; then tried to get them, but it was too late. Toombs ought to have been there. He is the brains of the whole concern."

In this conversation Mr. Stephens spoke much of the necessity of taking immediate steps to raise a navy. Judge Thomas suggested that such was the importance of cotton to England and France that they must interfere and prevent a blockade. Mr. Stephens insisted that such an interference was not to be looked for; yet that the present drop of cotton would be of the utmost value to the South if the Government would use it properly. "Cotton was King," men said; but they should remember that it was not a *political*, but a *commercial* king.

"If the Government would now buy one million of bales, for which they might afford to give ten cents a pound, which is two cents more than the market price, with these they could raise a navy that could compete successfully with the North. It is vain to expect relief from the blockade from foreign powers. We alone could relieve ourselves of that; and our cotton, unless it was put to the use suggested, would be of little importance to us."

*Crawfordville, June 7th.*—Congress had adjourned in Montgomery to meet in Richmond on the 28th of July.

"Douglas, we have seen, is dead. I almost wish he had either lived longer or died sooner. It is, however, best as it is, since it is as it is. Had he lived he might have had great power in staying the North from aggressive war. I can but think this would have been his position. He would have been against attempted subjugation. He would have been for a treaty, for recognition, and for peace. This is my opinion. But it may be he could have done nothing; it may be he would have been overwhelmed; it may be it is better for him, and with an end [?] for the country that he is removed. I have but little doubt that the state of the

country had a great deal to do with his death. A diseased body has but little recuperative or reactive energy when the spirits are low. The vital powers depend greatly upon mental stimulus. I can but mourn his loss, though he was nominally an alien enemy. He was a man of great ability and many virtues. Few public men had more nerve than he had to oppose what he thought wrong, and to advocate what he thought right, against the prevailing popular sentiment. He had his faults; but who has not? He was ambitious,—too aspiring, perhaps, for his own true fame. Had he died just twelve months earlier, what a difference, perhaps, would our country present in its political aspect! But for him there would have been no split at Charleston, and but for that split there would have been no disunion as yet. Whether that would have been better for us is known only to Him who shapes the fortunes of men and guides the destinies of nations. From present indications it would seem that we did not cut loose from the North too soon. They will go into anarchy or despotism. The only hope of constitutional liberty on this continent is now with us; and whether we shall successfully pass the ordeal in store for us time alone can determine."

*June 15th.*—Mr. Stephens had been speaking in different places on the plan of a great produce loan, and had been succeeding well. He has alluded several times to his anxiety to hear from Mr. Toombs, then Secretary of State, to whom he had written for information in regard to the general prospects.

"I have heard from Toombs. He does not write in his usual good spirits. I wish you to see his letter. Come over to-morrow evening, if you can. Mr. Toombs's letter has greatly increased my desire to see you. He thinks Lincoln will bring on a big battle between now and the meeting of his Congress, to have all his measures sanctioned, sitting as they will be almost under the fire of our guns."

There are but few more letters of importance for this year. Linton had raised a volunteer company for the war, and had gone to Virginia as lieutenant-colonel of the Fifteenth Georgia Regiment, which nearly interrupted the correspondence between them.

On the 21st of July occurred the first battle of Manassas, in which the Confederate forces, about twenty thousand in number, under Generals J. E. Johnston and Beauregard, defeated about sixty thousand Federals, under General McDowell.

*Richmond, July 29th.*—(To R. M. J.) "We shall probably have before long several such fights as took place at Manassas on the 21st. I have no

idea that the North will give it up. Their defeat will increase their energy. This is what I expect, and we should be prepared to meet this result. The victory at Manassas was great and complete. May all our conflicts to come be as triumphant!"

*September 3d.*—(To R. M. J.) Much of this letter is on the subject of Linton, who was with him, very sick.

"I see no end to the war,—not the slightest prospect of peace. So far from it, all the signs of a protracted conflict are more portentous to me than they have ever been. The war on the part of the North is founded upon no rational principle. It is against principles, against interest, and against reason; and with nations it is as with individuals when they act against reason, there is no accounting for their conduct or calculating upon it on any rational principles. The reaction at the North [a few words here are illegible.] . . .

"This is but the beginning. The guillotine, or its substitute, will soon follow. The reign of terror there has not yet fully commenced. The mob, or 'wide-awake' spirit, has not the control there yet, but it will have before the end. All the present leaders will be swept from the board. They will be deposed or hung to make way for worse men who are yet to figure in this great American drama. . . . We have a great conflict before us, and it will require all our energy, our resources, and patriotism, under a favoring Providence, to bear us safely through it."

During the last months of the year Mr. Stephens was in Richmond in feeble health. He had, however, already begun that habit of visiting the hospitals in Richmond, which he continued whenever he had the opportunity, and in which he was able to render the most essential service. Every day when he was able to walk, and often when his ill health rendered walking impossible, he was to be seen at these hospitals, tending and looking after the sick. This habit was maintained until December, when he was almost prostrated by neuralgia, and so remained for several weeks; but so soon as he was able to go about again, he resumed his visitations.

## CHAPTER XXXVI.

Discouragements—Policy of Conscription—Richmond Hospitals—Military Operations—Conversations—How Mr. Davis was nominated—Prospects—Prospects of European Recognition—Resistance to Martial Law—State of Things North and South—Letter to James M. Calhoun—Speech at Crawfordville—Financial Policy—Education of Young Men—Relations with Mr. Davis—Views on Men and Matters.

WE have seen how strong was the opposition of Mr. Stephens to the secession of the Southern States from the Federation, and the motives of that opposition. A firm adherent to the doctrine of State Sovereignty, however inexpedient or unwise he might consider the policy of his native State, he could not hesitate to follow her behests, and regard her enemies as his own. Reluctant as he was to enter again into public life, especially in circumstances which seemed to him to foreshadow unhappy consequences, he felt it his duty to do all in his power to contribute to the successful administration of the new government. At first their action had his hearty co-operation, and, as we have seen, he had at first some confidence in its success.

But it was not long before he began to entertain serious fears that the Confederate Government was tending towards errors which, if committed and persisted in, would result in its overthrow. He had full confidence in the ability of the Confederate States to maintain their independence, if their resources should be wisely managed and the spirit of the people be understood. This people had withdrawn from the United States because they believed that they had been treated with flagrant injustice and bad faith, and their intense desire was to preserve, by means of this separation, their rights and their liberties. Though they were inferior in numbers and wealth to their adversaries, Mr. Stephens did not doubt that they could maintain the conflict indefinitely, and eventually obtain from them and from the world the recognition of their separate nationality.

His first discouragement came from what seemed to him to be want of sufficient judgment in the appointing power; and it was increased by the failure of the Administration to make a judicious use of the available resources, especially the cotton, according to the plan suggested by him.\* But an error even more grave, in his opinion, was about to be committed in the matter of raising and controlling the armies. No country has ever shown more enthusiastic patriotism than existed in the Confederate States at the beginning of the war and down to the close of the first year. The call for volunteers was answered with an alacrity that filled the South with confidence, and the successful battles of the summer and fall of 1861 inspired all men of military age with an eager desire to join their compatriots. Toward the close of the year some leading men of Congress had it in view to move a call for more, for the volunteers alone; but this movement was discouraged by the confidential friends of the Administration, and it was ascertained that the policy of conscription would be preferred. When this fact became known, Mr. Stephens and those who shared his views felt great discouragement and apprehension. Whatever might have been the state of popular feeling and spirit after longer and harder conflict, it is certain that it had not in the least flagged when this policy was first suggested. To mention the case of only one of the Confederate States: Governor Brown, of Georgia, had been called upon for twelve thousand more men; he responded readily to the call, and fifteen thousand Georgians offered themselves. All the other States were equally ready to yield every service in their power.

Mr. Stephens believed from the first that the policy of conscription was dangerous, and might be fatal. He believed that it would tend to check the ardor of the people by appearing to slight their spontaneous patriotic service, and thus impair what he considered the most promising element of success—the sense of fighting to maintain not only national independence but personal liberty. He considered, moreover, this policy hostile to the rights of the States individually, and foresaw the conflict

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\* This plan will be explained farther on.

which must ensue between the General Government and those Governors of States who might feel it their duty to demand a strict construction of Congressional action. The friends of the conscription policy considered these fears of its opponents groundless, and urged that independence and not liberty was the immediate object of the struggle, that liberty should be sacrificed to independence while the conflict was pending, and that after the latter was secured, it would be quite time enough to restore the former.

Another cause of apprehension was a disregard of constitutional law in matters of suspension of the privilege of *habeas corpus*, and the subordination of the civil to the military power, in the appointment of military governors in cities and the declaration of martial law in whole sections of country.

We do not propose to discuss the question here; but so much seemed necessary to be said as explanatory of the position of Mr. Stephens toward the policy of the Administration.

During this winter (1861-2) his health was worse than usual, and he had great anxiety about Linton, who remained in the army until his health was seriously impaired. The first letter we have of this year is to R. M. J., from Richmond.

*January 12th.*—"I am now up and out, though suffering to-day with neuralgia in the jaw and face. But I went to the hospitals,—the first time I have visited them in five weeks. By 'the hospitals,' I mean the three Georgia hospitals. There are a great many hospitals in the city. I went to the Georgia buildings and to two others. I was looking up some Alabama men I had been telegraphed about.

"I saw but few of those whose faces had become so familiar to me before. There was another generation of sufferers from those who were in the same places six or eight weeks ago. I was gratified to see that the number of faces was a great deal smaller than it was in September and November. There were to-day many empty beds in all three of our buildings. Several bad cases, however, met my eye: several in the agonies of death,—none that I knew. The scenes I witnessed were exceedingly painful. I thought of the homes of the dying men, and the dear ones there who, if where I was, could have administered consolation and comfort that neither I nor any of those around could administer. It is a sad thing to sicken, languish, and die, with no kind friend near."

After giving some statistics of the mortality in the hospitals, the letter thus proceeds:



"As to the war, I have nothing of interest to write. I see no prospect of peace; and yet the indications of a break-down at the North are more favorable than they have been. My greatest apprehensions now are that there will be a corresponding break-down of the war spirit on our part. The conduct of our military operations and the discipline of our army are well calculated to produce this result. . . . We have a fiery ordeal to go through yet. It is that patience under wrong and suffering to which our people are so little accustomed,—this test we have yet to be submitted to, and it is the severest to which our human nature can be subjected. It is that to which the army under Washington was submitted when they were about to mutiny, and he made them a speech (at Newburg) which, all things considered, I look upon as the greatest speech ever made by man. In its conclusion he called upon the neglected and ill-provided-for soldiers who had suffered so much wrongfully from their Government 'still to bear—to be patient—to suffer on,—and to show the world by their conduct that but for that day's trial mankind would have lacked the highest example of virtue that human nature is capable of exhibiting.' I do not give the words, but something of the idea. And yet Washington is not usually counted among our orators."

The military operations in the early part of this year were discouraging to the Confederates. The Federals had collected two great armies, one under General McClellan destined to move upon Richmond, and one under General Halleck for operations in the Southwest. To the former of these the Confederates opposed the forces under command of General J. E. Johnston, at Manassas, and to the latter, those under General A. Sidney Johnston, at Bowling Green, Kentucky.

On the 19th of January was fought the battle of Fishing Creek, in Kentucky, in which the Federals, under command of General Thomas, were victorious, and the Confederate commander, General Zollicoffer, was killed. On the 6th of February the Confederates lost Fort Henry, on the Tennessee River, and on the 16th Fort Donelson, on the Cumberland River, with severe loss in both cases, and with the result that General A. S. Johnston was compelled to fall back to a position south of the Tennessee River. On the 23d the Federal forces took possession of Nashville, and were pushed forward to Pittsburg Landing, on the Tennessee. Here they were opposed by the forces of Generals Sidney Johnston and Beauregard, and on the 6th and 7th of April were fought the two battles of Shiloh, in the first of which the Confederates lost their commander, General A. S.

Johnston, but were completely victorious over the Federal forces under General Grant; but in the second, the Federals, having been reinforced, recovered their lost ground, with heavy losses on both sides. Towards the end of May General Beauregard withdrew his forces into Mississippi. Fort Pillow was soon after abandoned, and the Federal forces occupied Memphis.

On the 25th of March began the celebrated "Valley Campaign" of the illustrious "Stonewall" Jackson, who on that day defeated General Shields at Kernstown. On the 8th of May he defeated General Milroy at McDowell; on the 25th of May, General Banks at Winchester; on the 8th of June, General Fremont at Cross Keys; and on the 9th of June, General Shields at Port Republic. In the mean time General McClellan had been slowly advancing on Richmond, much delayed by the skilful strategy of General J. E. Johnston. On the 31st of May the battle of Seven Pines was fought by the two armies on the south side of the Chickahominy. On the 26th of June, General Jackson, having rendered the Federal forces in the valley powerless, fell on the rear of McClellan's army. The "Six Days' Fighting" followed, by which McClellan was driven to the shelter of his gunboats on the James River, and the campaign in the Peninsula was ended. Mr. Lincoln now called for three hundred thousand additional troops.

On the water, the Federals had taken Roanoke Island on February 8th. On March 8th the Confederate iron-clad *Virginia* destroyed the frigates *Cumberland* and *Congress* in Hampton Roads. On the next day an engagement took place between the *Virginia* and the Federal turret gunboat *Monitor*, in which no serious damage was done on either side, but after about three hours' fighting the *Monitor* ran off into shoal water, whither the *Virginia*, drawing twenty-two feet, could not follow her, and refused to come out and renew the contest. The *Virginia*, having received considerable injuries from ramming the *Cumberland*, her cast-iron prow having been broken off and the stem twisted, was then taken up to Norfolk for repairs. On the 11th of April she was taken down to Hampton Roads again and challenged the *Monitor*, which hugged the shore under the guns of the fort and refused to fight, though the Confederate gunboat

*Jamestown* ran in and took several prizes. On the 8th of May a squadron, including the *Monitor*, bombarded the Confederate batteries at Sewell Point, upon which the *Monitor* and her consorts ceased firing and retreated under the guns of the forts.

On the 10th of May Norfolk was evacuated by the Confederates, and the pilots declaring that the *Virginia* could not be taken up the James River, she was destroyed by fire.\*

Island No. 10 in the Mississippi, which had been strongly fortified and obstinately held by the Confederates, was taken on April 7th, and Fort Pulaski, near Savannah, on April 13th. On the 24th of the same month a Federal fleet passed the forts at the mouth of the Mississippi, and New Orleans surrendered.

With this brief note of the military movements in the first half of the year, we turn again to the correspondence.

On February 26th he writes to Linton :

"I urge you not to return to the army. If, in the spring, you are well enough, go and present yourself to General Toombs as a volunteer aide. He will accept you. You can then control your time; leave when no danger is at hand, and be present when danger is threatened. You will in this way be more useful, I think, than in having a regiment; for your greatest usefulness, in my judgment, will be in your advice. As an aide you will be on intimate terms with the general.

"General Lee, I think, will be made Secretary of War. I think well of him as a prudent, safe, and able general, but do not think he will make a good War Minister. Toombs, I think, would make the best in the Confederacy. . . . The message of the President, sent into Congress yesterday, surprised me. It is not such a paper as I or the country expected. But we have to bear what we cannot mend. The country must work out its own deliverance. The present Congress [this was after the installation of the Permanent Government] is not what I could wish to see it, either in the Senate or House. Our new Government is now in its crisis: if it can stand, and will stand, the blow that will be dealt in the next eighty or ninety days, it may ride the storm in safety. . . .

"P.S.—Hereafter my letters to you will be without address or signature, for fear the enemy may get them at Weldon or Wilmington."

*April 8th.*— . . . "I am truly sorry to hear of the fall of General Albert

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\* We have given these particulars at some length, because most accounts assert that the *Virginia* was disabled by the *Monitor*. The facts as above stated are taken from the published narrative of her executive and ordnance officer, Lieutenant Catesby Ap R. Jones, who succeeded to the command after Flag-Officer Buchanan was wounded in the first day's fighting.

Sidney Johnston. I fear he was reckless in the fight. I don't regard the action as a decisive one, as far as heard from. The enemy will make another, and perhaps several other desperate stands at other places before they are driven out of West Tennessee. But we have abundant reason to rejoice over our success, as far as it has gone. I do not, however, permit myself to be much elated by successes, just as I do not permit myself to be much depressed by reverses. We shall have many bloody battles yet before our independence is achieved. This will ultimately be done, however, if our people will but have the patience, fortitude, and patriotism to stand the ordeal before them. These, I trust, will not fail them."

This letter just quoted was written from Crawfordville, Mr. Stephens having gone home about the first of the month, and remaining for several weeks. Mr. Johnston had also returned to his old home in Hancock County, and frequent visits were exchanged between the brothers Stephens and himself. In the confidence of this circle Mr. Stephens spoke his mind freely on public men and events, and from notes made of his remarks we subjoin a few extracts, which the lapse of time and change of circumstance have made it no longer indiscreet to publish.

The conversation one day turned upon the fact that so few of the ablest men of the South, even among those not in the army, seemed to care for political office. Mr. Stephens remarked :

"This is a very poor Congress. There are few men of ability in the House. In the Senate not more than two or three. Tom Semmes is the ablest. The next are Barnwell, Hunter, and Clay."

Speaking of the West Point policy, he said :

"If the West Point policy should prevail fully we shall be beaten. If the Southern volunteer should ever come to forget that he is a gentleman (and that is what the West Point men say he must do), then it will be merely a struggle between matter and matter, and the biggest and heaviest body will break the other. We have less *matter*, and to have equal *momentum* we must have greater *velocity* than our enemies,—so to call our spirit and the consciousness of being gentlemen."

Some one remarked that the Government had been acting with more energy lately :

MR. S.—"The energy I discover now seems to me like that of a turtle after fire has been put upon his back."

MR. J.—"When do you expect to go back to Richmond?"

MR. S.—“Not very soon. I can do no good there. The policy of the Government is far against my judgment, and I am frequently embarrassed on account of this difference. I am frequently called upon to give my opinions, and I do so always with frankness, but without asperity. I do all I can to avoid even the appearance of that.

“The Conscription Act was very bad policy. Heavy fighting may be expected within the next few months. We should have called for volunteers for the war, and no doubt they would come. It would have been better to rely upon soldiers thus recruited. Conscripts will go into battle as a horse goes from home; volunteers, as a horse goes towards home: you may drive the latter hard and it does not hurt him. . . . But the day for a vigorous policy is past. It is too late to do anything. I fear we are ruined irretrievably. . . .

“What stupendous ignorance we have shown of the value of cotton! The Government and those who favored its policy did not undervalue cotton, but misunderstood the character of its value. In their opinion, cotton was a political power. There was the mistake. It is only a commercial power. If it had been understood and employed in that way, it would have been easy to manage the Government by getting enough iron-clad ships in Europe to keep several ports open. It is now too late for that. Our portal system is closed effectually, and we cannot stand that any more than a man can stand it in his own case. He dies of strangury and such evils. Nationally, we must do the same thing.”

MR. J.—“Do you think the President has any confidence in the attainment of independence?”

MR. S.—“He acts as if he had not. I suspect he intends to imitate the career of Sydney Johnston. That is the way I read some of his conduct.”

One of Mr. Stephens's visitors this summer was Judge James Thomas, Linton's father-in-law. The old dog Rio had spent several months with the judge years before, while his master was in Washington and Linton was travelling North, and had formed a great attachment for that worthy gentleman. Mr. Stephens writes about him:

“Rio knew Judge Thomas last night: barked over him a great deal. In the night he left my room and went down-stairs to the judge's; and tried to follow him off when he left. Last night, before I went to bed, Rio went up-stairs. I could not account for this proceeding until Harry told me what he had done the night before. Poor old dog! I suspect he thinks if he could get back to the places where he used to be with the judge, he would be rejuvenated: would get back his sight and hearing. I wonder if this is so,—if the dog ever thinks of such things?”

Again we will briefly sum up the military operations of the

latter half of the year, by way of a key to any allusions in the correspondence. The Federal army in Virginia, after its disastrous defeats in the Six Days' Fighting, was reorganized and placed under the command of General Pope. On the 9th of August the advance of this force, under General Banks, was met by "Stonewall" Jackson at Cedar Run and defeated. General Lee now advanced with all his forces, and on the 30th the second battle of Manassas was fought, in which Pope was routed and fell back upon Washington. The Federal loss in men and munitions of war was enormous; and Pope was at once superseded by McClellan.

In the West, General Braxton Bragg had undertaken a campaign in Tennessee and Kentucky, and two battles were fought, one at Richmond, Kentucky, in which the Federals were defeated, and one at Perryville, October 7th, in which Bragg claimed a victory, but retired to Murfreesboro', Tennessee. The Federal General Rosecrans was sent to supersede Buell as chief in command and drive Bragg from his position. On the 31st of December and 1st of January a great battle was fought between the two armies, numbering about forty thousand each, at Murfreesboro'. The losses in killed and wounded were very heavy, amounting in the aggregate to about twenty-five thousand. Both sides claimed the victory.

In the mean time Lee, with the Army of Virginia, had made a movement into Maryland. On the 15th of September Harper's Ferry was taken by General Jackson, with the capture of eleven thousand prisoners and seventy-three pieces of artillery. On the 17th the great battle of Sharpsburg was fought between about one hundred and twenty thousand Federals under McClellan and sixty thousand under Lee, without decisive results; but McClellan being largely reinforced, Lee retired to Virginia. On the 22d of September, President Lincoln issued his Emancipation Proclamation, and soon after General McClellan was superseded by General Burnside in the command of the Army of the Potomac.

Burnside commenced a movement upon Richmond by the way of Fredericksburg, where there was a battle between his forces and Lee's on December 13th, resulting in a brilliant

victory for the Confederates, with a loss of over twelve thousand men to the Federals.

We have seen that from the first Mr. Stephens did not share the popular belief that the European powers, or some of them, would recognize the independence of the Southern States, even before they had established that independence by force of arms. But for a short time, during this summer, he was disposed to regard an early foreign recognition as probable. It was therefore with more cheerfulness than he had felt for some time that he went back to Richmond on the reassembling of Congress in August. Shortly after his arrival he writes to Linton :

*August 17th.*—"I have heard nothing officially since I have been here. I called to see the President yesterday evening, but he was in Cabinet meeting,—had been for two days. I could see none of the Secretaries. . . . I am now looking for an early recognition abroad,—say by the 1st of October. Still, I may mistake. The North seems in a great ferment. Something will come of this: either the mellow wine of reaction and peace, or the gall of a more determined and bitter hostility."

*August 27th.*—"I was much struck by your views on the tendency of things toward the merging of all power and authority in the hands of the military. I have been deeply impressed with these convictions for several weeks past. Mercer's impressment orders without the shadow of authority, either military or civil; Van Dorn's orders establishing martial law in parts of Mississippi, with stringent rules abridging the freedom of speech and the liberty of the press; and, last of all, Bragg's order establishing martial law in Atlanta and appointing a civil (?) governor for that city, with numerous subordinates, etc.,—these things aroused my indignation, and I have not been idle in attempting to arouse our members of Congress, both in the Senate and House, to the importance of arresting these proceedings. . . . At this time, I am glad to say, a reaction is in active progress here. I think I have done some good. I first called on the Secretary of War about Mercer's orders, and upon a review of the matter he telegraphed Mercer that he must not resort to force. . . . I got Mr. Semmes, the most sensible man in the Senate, to introduce a resolution there requiring the Judiciary Committee to report upon these questions. That Committee is now at work, and matters are progressing favorably. I have got Semmes to agree with me that *no power* in this country can establish martial law; neither the President, nor Congress, much less a general in the field. Congress may suspend the writ of *habeas corpus*; but that is the utmost extent to which they can go. And then some nice questions arise as to the effect of the suspension of the *habeas corpus*. It does not interfere, in my opinion, with the regular and speedy trial to which the party is entitled, nor with his full redress in action at law for an illegal arrest, against

the party making it, be he general or what not. All arrests are at the peril of the party making them. They must be upon oath and upon probable cause. I have pointed out six plain and palpable violations of the Constitution in these military orders. I am unremitting in my efforts, in a calm and dispassionate manner, to get Congress to awaken to the heavy responsibility resting upon them at this crisis to save our constitutional liberties; and I am glad to say that my efforts thus far have met with more success than I anticipated when I saw the general apathy prevailing at first. The truth is, I believe the fault of our people to which you allude, and which I saw and felt, arose from an excess of patriotism. They wanted to do all that was proper and right for the advancement of our cause, and were not, and are not, sufficiently watchful of great vital principles. I hope we shall come out right. The President, I am informed, has written to all the generals revoking these orders of martial law, and telling them they have no power to assume such authority.

"I had a long interview with the Secretary of War last night for the first time. I was better pleased with him than I expected to be. He is against the extension of the [military age under the] Conscrip Act to the age of forty-five. If more troops should be wanted, he is in favor of calling on the Governors of the States in the first instance. He says, however, and truly, I think, that we now have as many in the field as we can clothe, feed, and arm. There are on the rolls about four hundred thousand. He said what struck him with surprise was that the President had not consulted with him on what he said on this point in his message, and he did not know such matter was in the message until after it was sent to Congress."

*August 31st.*—"Nothing has yet been done in Congress on the Martial Law, Provost-Marshal, and Passport systems, or the usurpations of generals in passing their unlawful orders in violation of the Rules and Articles of War, wherein is established the military law of the country, by which officers as well as men are governed. But the reaction is going on. We are beginning to look to and understand it, and I think as well as hope that proper action will be taken before long. It is strange what ignorance prevailed on this subject, and how little the representatives of the people know of the nature of the Government under which they live. This generation of men, from the highest to the lowest classes, seems to have lost all sight of principles. Born and reared under free institutions, they seem never to have understood or cared to understand anything about them any more than the constituent elements of the air they breathe. They seem to have looked upon constitutional government as a matter of course, without knowing anything of its original cost, its constant hazards, and the only securities for its perpetuation. I hope they will be brought to think and to act before it is too late. What we most need now is wise, well-informed, bold, firm, and patriotic legislation, as well in the States as in Congress."

*September 1st.*—(To R. M. J.) "In regard to our prospects in general, I can only say that I can see no approach to the end. I did think some



days ago that foreign powers would offer their mediation,—England and France especially. I have changed that opinion. I had not seen the Queen's speech to which you allude. That and Palmerston's since the adjournment of Parliament put an end to such ideas. England and France do not intend ever to recognize us, I think, so long as we show ability to weaken, cripple, and injure the Northern Government. I am somewhat in doubt whether even this is the turning-point with them, or whether they are looking for the extinction of slavery first. They want the final separation to take place, and they want slavery abolished also. They may think that the North can uproot the institution among us without being able to subjugate us to their rule. To this extent they may weaken and cripple us, while we, in the mean time, greatly weaken and cripple them by the wasting of their resources and the accumulation of the enormous debt attending the continuation of the struggle.

"Were I the President I should forthwith recall all my Ministers or Commissioners abroad. European powers look upon this war with a complication of views, if I may so express myself. They have no real sympathy with either side. Their interests prompt them to side with us, but the feelings prompted by these interests are about equally balanced by their aversion to slavery. They had become very jealous of the United States Government as a great and growing power. Its example as a republican government was becoming dangerous to them. They therefore rejoice to see that strife now raging here which, if left alone, will, in their judgment, end in the destruction of republicanism on both sides of the line. It requires no statesmanship to see that the North is already a despotism, complete and fearful. The powers of it are daily becoming more widely displayed and more intensely felt. Its march is onward. Blood will soon flow there as it did in France under the Directory. There will never, I apprehend, be anything like constitutional liberty in that country again. European powers, looking to the history of the world, doubtless think the same fate is in store for us. And I must confess the tendency of things with us for the last few months is well adapted to stimulate and strengthen such speculations. The readiness with which our people surrender most important and essential constitutional rights to what for the moment they consider the necessity of the case, is an indication of their character. Such, for instance, is the submission, without a murmur, to the usurpations of commanding generals in their orders of impressment, establishing martial law, appointing provost-marshal and governors in certain localities, etc. All such orders are palpable and dangerous usurpations, and if permitted to continue will end in military despotism. Of this I feel as certain as I do that the sun will go down to-day and rise to-morrow. There is nothing that has given me half so much concern lately as these same military orders and usurpations. Not the fall of New Orleans, or the loss of the *Virginia*. Better, in my judgment, that Richmond should fall, and that the enemy's armies should

sweep our whole country from the Potomac to the Gulf, than that our people should submissively yield obedience to one of these edicts of our own generals. I do not mean to question the patriotism with which they were issued, the object supposed to be attainable by them, nor the patriotism of the people thus far in yielding to them. But, my dear sir, it is the principle involved. We live under a constitutional government, with clearly-defined powers. By our constitution, the law-making power, as well for the army as for the citizens not in military service, is vested in Congress. This power is limited even in their hands. Martial law sets at defiance the Constitution itself. It is over and above it. It is directly against its most important prohibitions, put there for the protection of the rights of the people. Congress cannot establish martial law. No power under this Government can do it. Congress may suspend the writ of *habeas corpus*, but that is not martial law by any means. It does not interfere with the redress that one injured by an illegal arrest may have against the party making the arrest. It does not authorize anybody to arrest another, except upon probable cause, supported by oath. It does not dispense with the right to a speedy and public trial by a jury under an indictment found by a grand jury. It does not authorize any infringement of the liberty of the press or the freedom of speech. These great bulwarks of liberty and barriers against the encroachments of power remain untouched. My apprehensions on this point have been more thoroughly aroused from the fact that the people seem willingly and even patriotically to be yielding to usurpations. They do not consider what they are doing. They do not recollect that the price of liberty is eternal vigilance. They forget that the first encroachments of power are often under the most specious guises. But you may be assured that, in the forcible language of De Lolme, 'our acts, so laudable when we only consider the motive of them, will make a breach at which tyranny will one day enter.' The North to-day presents the spectacle of a free people having gone to war to make freemen of slaves, while all they have as yet attained is to make slaves of themselves. We should take care and be ever watchful lest we present to the world the spectacle of a like free people having set out with the object of asserting by arms the correctness of an abstract constitutional principle, and losing in the end every principle of constitutional liberty, and every practical security of personal rights.

"I have not time, however, to continue this subject. I must go to the Senate. But my whole soul is in it, and I am laboring day and night, in season and out, to awaken attention to the dangers that threaten us."

*September 7th.*—(To Linton.) "I am still of the opinion that Congress, by the suspension of the writ of *habeas corpus*, cannot infringe upon the constitutional guaranty of a speedy and public trial by a jury, and cannot give indemnity or indemnify against the right of a citizen unjustly arrested, or without probable cause, against the party who may have made such arrest. In England, where Parliament is considered omnipotent, such acts

of indemnity have been passed where abuses of power have taken place under the writ of *habeas corpus*. But no such power is delegated to our Congress; and it cannot be obtained, I think, except by *implication* from the force of the words in analogy to the same state of things in England, from which country the words were obtained. It may be argued that it must have been intended to give Congress the same power on this subject that the British Parliament has. To this I reply that such construction is inconsistent with another express provision that no person shall be arrested without due process of law, and that Congress shall pass no law abridging the liberty of a person, the freedom of speech, etc., and the express guaranty to all for a speedy and public trial by a jury, etc. The suspension of the writ of *habeas corpus*, therefore, under our system, can only operate to hold the accused and secure his appearance to answer the charge. It cannot interfere with the courts. If the State is not ready in every case, Congress can regulate the grounds upon which continuances may be granted. They should be wisely and judiciously done, looking to the public interest as well as to the rights of the citizen. I am utterly opposed to everything looking to military rule, and all encroachments of power founded upon the specious, insidious, and dangerous plea of necessity. It is the tyrant's plea. Our Constitution, as you say, was made for war as well as peace; and it will work well in both states if the people as well as their rulers will but understand it and see that the machinery is kept right. The indications of proper action on these questions on the part of Congress, I regret to say, are not so strong as they were some ten days ago. Still, I think something will be done. The difficulty is, we have not the men in Congress to do it. They have not the information. They are ignorant of principles,—lamentably ignorant. You may impress an idea upon their minds, get a full assent: they may appear to see clearly, and, after meeting with some military man who himself has no knowledge upon the subject, he will suggest some imaginary case, which knocks all your reasoning out of the weak head which once thought it saw the truth. The imaginary case is easily answered; but the whole ground has to be gone over with these children in politics and statesmanship."

On the 8th of September, Mr. Stephens wrote a letter to the Hon. James M. Calhoun, who had been appointed by General Bragg "civil governor of Atlanta," and who desired some enlightenment as to his powers and duties in this anomalous position. Mr. Stephens goes over the ground of the unconstitutionality, and therefore nullity, of martial law:

"I am not at all surprised," he writes, "at you being at a loss to know what your powers and duties are in your new position, and your inability to find anything in any written code of laws to enlighten you upon them. The truth is, your office is unknown to the law. General Bragg had no

more authority for appointing you civil governor of Atlanta than I had; and I had, or have, no more authority than any street-walker in your city. . . .

"We live under a Constitution. That Constitution was made for war as well as peace. Under that Constitution we have civil laws and military laws: laws for the civil authorities and laws for the military. The first are to be found in the statutes at large, and the latter in the Rules and Articles of War. But in this country there is no such thing as martial law, and cannot be until the Constitution is set aside, if such an evil day shall ever come upon us. All the law-making power in the Confederate States Government is vested in Congress. But Congress cannot declare martial law, which, in its proper sense, is nothing but an abrogation of all laws. If Congress cannot do it, much less can any officer of the Government, either civil or military, do it rightfully, from the highest to the lowest. Congress may, in certain cases specified, suspend the writ of *habeas corpus*; but this by no means interferes with the administration of justice so far as to deprive any party arrested of his right to a speedy and public trial by a jury, after indictment, etc. It does not lessen or weaken the right of such party to redress for an illegal arrest. It does not authorize arrests except upon oath or affirmation upon probable cause. It only secures the party beyond misadventure to appear in person to answer the charge, and prevents a release in consequence of insufficiency of proof, or other like grounds, in any preliminary inquiry as to the formality or legality of his arrest. It does not infringe or impair his other constitutional rights. These Congress cannot impair by law. The constitutional guarantees are above and beyond the reach or power of Congress; and much more, if it could be, above and beyond the power of any officer of the Government. Your appointment, therefore, in my opinion, is simply a nullity. You, by virtue of it, possess no rightful authority, and can exercise none. The order creating you civil governor of Atlanta was a most palpable usurpation. I speak of the act only in a legal and constitutional sense,—not of the motives that prompted it. But a wise people, jealous of their rights, would do well to remember, as De Lolme so well expressed it, that 'such acts, so laudable when we only consider the motive of them, make a breach at which tyranny will one day enter' if quietly submitted to too long.

"Now, then, my opinion is, if any one be brought before you for punishment for selling liquor to a soldier, or any other allegation, where there is no law against it, no law passed by the proper law-making power, either State or Confederate, and where, as a matter of course, you have no legal or rightful authority to punish either by fine, or corporeally, etc., you should simply make this response to the one who brings him or her, as the case may be, that you have no jurisdiction of the matter complained of.

"A British queen (Anne) was once urged by the Emperor of Russia to punish one of her officers for what his Majesty considered an act of in-

dignity to his ambassador to her court, though the officer had violated no positive law. The queen's memorable reply was that 'she could inflict no punishment upon any, the meanest of her subjects, unless warranted by the law of the land.'

"This is an example you might well imitate. For I take it for granted that no one will pretend that any general in command of our armies could confer upon you or anybody greater power than the ruling sovereign of England possessed in like cases under similar circumstances. The case referred to in England gave rise to a change of the law. After that an act was passed exempting foreign ministers from arrest. So with us. If the proper discipline and good order of the army require that the sale of liquor to a soldier by a person not connected with the army should be prohibited (which I do not mean to question in the slightest degree), let the prohibition be declared by law, passed by Congress, with the pains and penalties for a violation of it, with the mode and manner of trying the offence plainly set forth. Until this is done, no one has any authority to punish in such cases; and any one who undertakes to do it is a trespasser and a violator of the law. Soldiers in the service, as well as the officers, are subject to the Rules and Articles of War, and if they commit any offence known to the military code therein prescribed, they are liable to be tried and punished according to the law made for their government. If these Rules and Articles of War, or, in other words, if the military code for the government of the army is defective in any respect, it ought to be amended by Congress. There alone the power is vested. Neither generals nor provost-marshals have any power to make, alter, or modify laws either military or civil; nor can they declare what shall be crimes, either military or civil, or establish any tribunal to punish what they may so declare. All these matters belong to Congress; and I assure you, in my opinion, nothing is more essential to the maintenance and preservation of constitutional liberty than that the military be ever kept subordinate to the civil authorities.

"You thus have my views hastily but pointedly given.

"Yours most respectfully,

"ALEXANDER H. STEPHENS."

Mr. Stephens returned to Crawfordville about the 1st of October. On the 1st of November he addressed a meeting called for the purpose of soliciting contributions in money or kind for providing the soldiers from Taliaferro County with shoes and clothing. He made a strong appeal to the patriotism and sympathy of his audience, dwelt upon the rightfulness and justice of the cause of the South, which he pronounced a war "for home, for firesides, for our altars, for our birthrights, for property, for honor, for life,—in a word, for everything for which freemen

should live, and for which all deserving to be freemen should be willing, if need be, to die." He explained the plan, which he had urged upon the Government, of making the cotton the basis of a system of finance.

"I was in favor of the Government's taking all the cotton that would be subscribed for eight per cent. bonds at a rate as high as ten cents a pound. Two millions of bales of the last year's crop might have been counted upon as certain on this plan. This at ten cents, with bales of the average commercial weight, would have cost the Government one hundred millions of bonds. With this amount of cotton in hand and pledged, any number, short of fifty, of the best iron-clad steamers could have been contracted for and built in Europe,—steamers at the cost of two millions each could be procured. Thirty millions would have got fifteen of these, which might have been enough for our purpose. Five might have been ready by the 1st of January last to open some one of the ports blockaded on our coast. Three of these could have been left to keep the port open, and two could have convoyed the cotton across the water, if necessary. Thus the debt could have been promptly paid with cotton at a much higher price than it cost, and a channel of trade kept open till others, and as many more as necessary, might have been built and paid for in the same way. At a cost of less than one month's present expenditure of our army, our coast might have been cleared. Besides this, at least two more millions of bales of the old crop on hand might have been counted on; this, with the other, making a debt in round numbers to the planters of two hundred million dollars. But this cotton, held in Europe until its price shall be fifty cents a pound, would constitute a fund of at least one billion dollars, which would not only have kept our finances in sound condition, but the clear profit of eight hundred million dollars would have met the entire expenses of the war for years to come."

Mr. Stephens still advocated this policy as not yet too late, and exposed the fallacy of those who recommended a cessation of cotton culture and destruction of the stock on hand in the hope of compelling England to raise the blockade. He discouraged the expectation of European recognition, and exhorted to firmness and fortitude in preserving the last stronghold of constitutional liberty. Addresses of similar import were delivered at various points in Georgia.

We have mentioned in an earlier part of this work Mr. Stephens's generosity in assisting young persons of both sexes to obtain an education. In the case of young women, the money advanced by him was always a gift; with young men,

it was understood that after going into business they should repay their benefactor his advances, whenever able to do so. These beneficiaries were rarely selected from among the children of his friends or acquaintance, or on account of any personal prepossession in their favor. Whenever an appeal was made to him on behalf of a youth of promise, without means to acquire an education, he almost invariably responded. His friends, taking into consideration the somewhat indifferent success of many of his protégés, and the report that but few of them had shown any gratitude to their benefactor, were rather of opinion that he would have done more wisely in consulting his own preferences in making the selection. This point was touched upon in a letter to him from R. M. J., in which also he was asked for some account of his beneficiaries; and from the answer to this letter we make the following extract:

"I have assisted upwards of thirty young men in getting an education. About a third of these I have taken from the stump and put through college. The other two-thirds I assisted to graduation, but most of them at a medical college. Out of the whole number only three who have lived have failed to refund the money. The three I have alluded to are, I think, scamps, except perhaps one. One who refunded I think is a scamp also, though he is a preacher. Nine of the number I assisted are dead; five of these died before refunding: two died while at school. Only four of the number studied law. Six are preachers: four Baptists, one Presbyterian, and one Methodist. One of them is (or was when last heard from) a man of distinction in Tennessee, a professor and author. Another is at the head of a high school in Mississippi, and another at the head of a high school in Georgia. Mr. —, the preacher, is, I think, a shabby fellow. He showed some ingratitude. The other three I spoke of I think shabby, but I never heard of any ingratitude. Take the whole lot, all in all, I think very well of them. The per centum of black sheep in the flock is small; not more than one in twelve or thereabouts. Of the number I assisted in getting medical diplomas, there are now living in the State six, all clever physicians of good standing. Two of the physicians died some years ago."

This was a more favorable report than his correspondent had expected. A week later, Mr. Stephens again referred to the same subject.

"In my letter a few days ago about those whom I had assisted in getting an education, I omitted one fact which ought perhaps to have been stated.

Fourteen of the number, at one time, or some time after quitting school, became teachers. Several of them are still teaching. It is proper also to state that none of them, that I am aware of, was ever addicted to intemperance except one. He sometimes drank too much; but he abandoned liquor entirely before he died. I ought to say also that the four I spoke of as shabby fellows all maintain what is considered respectable positions in society. . . . A great majority of those I have aided have done good in their day and generation in their quiet spheres of life. This is a source of great gratification to me."

Mr. Stephens has continued in this habit of aiding indigent youth; and the number of those whom he has thus helped has amounted at the time of this writing to fifty-two.

During this winter Mr. Stephens and R. M. J. had many conversations, memoranda of which were occasionally made. We append some of these notes.

Being asked on what terms he was with the President, he said:

"Very good. Whenever we meet he is quite cordial and agreeable. We meet but seldom, however, lately. He used to send for me often to consult with me; but since the Government has been removed to Richmond he has done so but once. What caused a change in him I do not know. He has never shown any change in his bearing when I called to see him." . . .

"Are he and Toombs avowed enemies?"

"By no means. Toombs treasures resentment against no one; malice has no place in his nature. He and Davis had, as you know, a quarrel on the Gaskell affair some years ago. Whether there is any remnant of this in the President's mind I do not know, and do not think there is any in Toombs's. He is, however, very decidedly hostile to many things in the conduct and policy of the war. They are personally on good terms. I think the President thinks very highly of Toombs's ability. When he was first elected he consulted with me in reference to offering Toombs a place in his Cabinet. I advised him to give him the choice of places, hoping that Toombs would take what he ought to have taken, the Secretaryship of War; but the President replied that he wished to pay him the highest compliment by offering him the highest position, which he did. He sent the offer by telegraph to Augusta, where Toombs then was; and Toombs answered declining the position. The President sent this answer to me. Upon consultation with me, he sent him another telegram,—the terms of which I dictated,—urging him to take it. Upon his return to Montgomery he decided to accept for a short time. They were on the best of terms, I think, so long as Toombs remained in the Cabinet."



Some one having suggested that the Secretary of the Treasury had lately been purchasing cotton, as if he were taking Mr. Stephens's views on the financial question, the latter remarked :

"Yes. He has entirely abandoned his first views as to the unconstitutionality of the measure, and is now buying, as I see by the newspapers. But it is too late to accomplish the good that might have been attained if the policy had been adopted at first. I was very much surprised a few days ago at getting a note from the Assistant Secretary of the Treasury, complimenting my speech and saying that it was the ablest effort of my life. I don't agree with him as to that ; but was quite surprised at getting such a note from him. If he speaks the opinion of the Secretary, it is very significant."

The conversation turning upon General Lee, Mr. Stephens said :

"I have always regarded him as the ablest man in our army ; indeed, the first military man on the continent. I have always placed a very high estimate upon him ; not only as a general, but as a man, from my first acquaintance with him. . . . It requires a rare combination of qualities to make a great leader of armies.

"The last time the President consulted with me on any question, it was about who should be sent to command at Charleston. I urged him to send Lee. Lee was sent. This was in November, 1861. The President thinks very highly of his abilities. Yet I think Lee was surprised at Sharpsburg. I do not think that he knew the enemy were pressing so close on his rear after he went over into Maryland. Still he gained the fight, and I think him vastly superior to McClellan, or any other one on the board at present, except J. E. Johnston, who perhaps is a better tactician than even Lee."

One of the company remarked that there seemed to be a growing sentiment among the people in favor of a strong government, and that the experiment of self-government by the people seemed to be regarded as a failure. He replied :

"I do not think so. There was no fault in the Government of the United States. The difficulty was mainly with those in power and in the administration of it. The machinery was good and sound : it was from the bad working of it that the miseries came."

"But," it was insisted, "it was a failure. And if from that cause the failure is more certain and more melancholy, might we not as well give up the question?"

MR. S.—"By no means. I shall never be willing to give up constitu-

tional liberty, or the doctrine that the people can easily and safely govern themselves upon the principles upon which our institutions rest. In our system these principles rest upon the rights and sovereignty of the States. For their support are requisite virtue, intelligence, patriotism, and constancy on the part of the great body of the people. When I see the apparent indifference of so many among us on the questions involving these essential principles of our liberties, and the success of our system, I must confess I have fears for the future. Still, I am far from giving it up. I think the system at the North is a failure. But our people are different. We have more virtue, and by far more political intelligence in the masses of our people than they have. The great body of our people are honest, industrious, frugal, pure, and not disposed to look to Government for anything but wise and equal laws. In other words, they look to Government for nothing but justice. At the North the great mass look to Government as a means for living by their wits in some way. Government with them is a license to rob and plunder in some way or other; and to get control of Government for these purposes is the highest object of their ambition. The people there, as well as their rulers, have been corrupted for years,—at least a large portion of them, if not the majority. The same thing is true of a portion of our people, and we have some corrupt leaders. But the great majority are not so. They understand their rights, and all they want of rulers is to give them good government. So long as this shall predominate I shall never despair of the principles of self-government with our people."

The conversation turning to Mr. Douglas, Mr. Stephens said:

"I expected that Douglas would oppose the settlement of the Kansas difficulties under the Lecompton Constitution. I won a bet on that from Governor Cobb. The Free-Soil men had been promised by Governor Walker—who told them that he spoke for one higher than himself [meaning President Buchanan]—that the constitution framed should be submitted to the people for their ratification. Acting upon that promise, they did not vote. Douglas was willing to make the issue on that first election, but the Administration refused to do that, and so refused for the purpose of ruining Douglas at the North. As the issue was not thus made, Douglas refused to abide by the first election. I voted purely upon the legality of that election, and upon its being right. Mr. Buchanan had given assurances which he had no right to give; but the election was legal, and the result gave to the South only what was just and right. Afterwards I urged both Buchanan and Cobb not to wage war upon Douglas, but I could exert no influence upon either."

Speaking of secession, he said:

"If the South had not seceded, Lincoln's Administration would have broken down in sixty days. He was utterly powerless to do harm."

## CHAPTER XXXVII.

The Conscript Law—Sir Bingo Binks—Lord Lyons and Seward—Canine Nomenclature—Linton's Resolutions—Generals Lee and Johnston—Death of Rio—A Tribute to an Old Friend—Religion—Confederate Bonds—Military Operations—Exchange of Prisoners—Proposed Mission to Washington—Speeches—Home News.

MR. STEPHENS's health was still very delicate, and about the opening of the new year, 1863, he was troubled with unusual symptoms. He employs his leisure moments, however, in reading the Waverley novels, on which he passes some general criticisms in a letter to Linton. We find, too, in his correspondence frequent allusions to the smallpox, which was spreading in a rather alarming manner; disseminated by the paper money, he thinks. At this time the Conscription Law was creating considerable excitement, and we have his views on the subject in the following letter:

*Crawfordville, January 15th.*— . . . "I send you in this the decision of our Supreme Court on the constitutionality of the Conscript Laws. I think it overshoots the whole question. The authorities cited are not one of them to the point, except Monroe's letter and Troup's speech. As far as they are authority, *they* are to the point. But they, like the decision, rest solely upon assumptions. The more this question is sifted and discussed, the more I am satisfied that its whole merits turn upon the proper meaning in the Constitution of the word 'militia.' That word imports, *proprio vigore*, as I understand it, the fighting men of a country who are to be relied upon, or called forth by any sort of compulsory process. Our old Constitution contemplated two kinds of fighting forces; such as they were used to,—such as England had: the one the regular army, the other the militia. The power in the twelfth clause refers solely to the former: the other clause relates to the latter. And in the exercise of the power under the twelfth clause the Government was to have the same power which in like circumstances the government of England had,—no more. Our court seems to think this a very small power. The truth is, it is a very great power in itself; and it was against *that* that the strong declamations were made in the State Conventions. It was in favor of *that*—that alone—

that Hamilton and Madison spoke and wrote. It was a very great concession on the part of the States to empower the Common Government to enlist, raise, or hold troops, armies, etc., and support them at the common expense, with power to raise the funds thus to support them. All the authorities cited from contemporaneous history by the court refer to that point only,—the power to maintain and support an army at all without the consent of the States. This, after argument, was what was granted, and nothing more. On the question of how that army was to be raised not a word was said, because no one dreamed of its ever being raised in any but the old time-honored way, by voluntary enlistment. If, as you so strongly stated in your speech, it gave or was intended to give unlimited power as to the mode of raising, then the militia clauses were useless and nonsensical. . . . The truth is, there were strong, very strong objections against even empowering the General Government to act directly on the citizens of the State at all. The opponents specially protested against *tax-gatherers* and armed men to sustain them. These two points were more opposed perhaps than any in the Convention. Both points were carried: both powers were delegated, but neither was delegated unlimitedly. The power to collect revenue is closely guarded in several particulars; but so far as the argument of our court goes, that is just as unlimited as the other. Such a relash of old Federal doctrine as this decision presents I have not met with in many a day. If its principles be correct, on what ground can our court justify our present position towards the Federal Government? It must be a rebellion. The constitutional right of the Federal Government to compel the services of the entire arms-bearing population in all the States to obey the behests of the Washington authorities, except such as may be necessary to keep up the functions of a State Government, is clear, according to the doctrines of this decision. At least it so seems to me. This inference, however, the court would doubtless deny. . . .

“I see Mr. Gardner, of the *Constitutionalist*, has opened against the States assuming the Confederate debt. I wrote to him some time ago on this subject. . . . I see he has used my ideas very freely,—in many instances my very language. I do trust this great folly will not be perpetrated. Memminger, I am informed from Richmond, is in favor of it. I suppose really it originated with him. On this point I do trust Georgia will prove the bulwark of our safety.”

This letter further illustrates how the opposition of Mr. Stephens to the policy most in favor at Richmond, while at the same time he did not wish to assume an attitude of direct hostility to the Administration, left him no choice but to remain, as far as possible, retired from public affairs, except when imperative duty summoned him.

*January 18th.*—Poor Rio being now in the last stage of senility and decrepitude, Linton has presented his brother with another dog, a bull-terrier pup. The name of this pup is a subject of considerable deliberation; and Mr. Stephens's recent study of Scott now stands him in good stead.

"I have concluded upon reflection that the dog's name shall be 'Sir Bingo Binks,' in full. I will not do the illustrious hero the indignity of quartering him while I embalm his memory by giving his name to my bull-terrier. He shall have the whole name, title and all. So there will be plenty of room for nicknames,—Sir Bingo, Bing, or Binks, as may best please the fancy. . . .

"By the morning train I got the President's message. It is decidedly the best, upon the whole, that has yet emanated from him. The general tone and character of it is admirable. I do not like his recommendation of the States guaranteeing a portion of the common or Confederate debt,—that is decidedly a wrong policy. Nor do I like his boast about the working of the Conscript Laws. These things in it I wish were out. Still, as a whole, it has fewer faults and more excellences than any he has ever before made.

"I have been wondering with myself for some time as to what it is that has caused the change of tone in the leading British press toward us and our cause. There evidently has been such a change. This time last year, before that, and up to midsummer, the *London Times* and other papers were more friendly to us than they have been since. A change of some sort seems to have come o'er the spirit of their dream. I have felt it, and, as I said, have been trying to discover the cause. The conclusion I have come to is that it was effected by Lord Lyons. I suspect that was the business of his visit home last summer; the change corresponds with that time. Lyons is an abolitionist of the Palmerston and Seward school. He had been in this country or at Washington only a short time before secession. He had formed but few acquaintances with Southern men. I don't think Toombs had ever met him. I know he had no intimacy with him. In his position and with his predilections he was easily duped by Seward, and made a fit instrument to effect his purposes in securing the favorable opinion of European courts. This is my solution of the matter. Palmerston and Seward are in alliance; and I should not be surprised if his Administration is overturned soon. Davis's message is calculated to have a better effect upon our foreign relations, both with the United States and abroad, than anything he has ever before said. I now think that the war will break down in a twelvemonth somewhere. We may not have peace, but we shall have a smash-up. The present armies cannot be sustained. Gold is going up rapidly at the North. If we can stand before the enemy and hold our own until May, a large part of the Federal army will go out of service,—three hundred thousand of those called for in August last were for nine months. Meantime, it will be no easy matter for us to hold on.

Our expenditures are enormous,—to meet them we have nothing as yet but the new issue of treasury-notes. These swell the currency until prices are frightful,—expenditures increasing in the same ratio. Taxation cannot itself reduce it. Four hundred millions are now required, I see by the Treasury Report. We cannot stand a tax for more than a hundred and twenty millions,—that would be very heavy. I think it would be better to tax in kind,—take produce and army supplies, and quit issuing treasury-notes.”

*January 22d.*—It seems a letter from Linton has been lost, which he “regrets extremely, as I should have been pleased to read what you said on the subject of naming dogs, and especially what you said about Scott and the order of his works,”—on which latter topic he had solicited his brother’s views in a previous letter.

. . . “What Davis means by Lincoln’s proclamation being irrevocable, or its admitting ‘of no retraction,’ I suppose is this: it is not in its nature executory, as his first one was; it is not menacing, but absolute and final action. It is a declaration of emancipation absolutely within the extent of its limits. The power that issued it is forever estopped by the act in opposing or changing it. It is like a pardon,—final, absolute, and beyond retraction. It would, I think, be impossible upon any public principles, or those recognized among nations, for Lincoln to agree to any terms of peace which would change that fact; or I do not mean exactly that, but I mean it would be impossible for the States to go back into the Union with their slaves. He, as President, could not hereafter ignore his act, and put back into slavery those now declared free. The proclamation utterly destroys all prospect of a restored Union with slavery as it was. But I am not in condition to express myself clearly, and I will quit. My pen, too, is abominable, and I never could write or think either when I am trying to write with a mean pen.”

*January 25th.*—Sir Bingo seems to be scarcely more polished or dignified in manner than his sponsor in *St. Ronan’s Well*.

“When I got home the other morning, I found that Sir Bingo Binks had created quite a stir on my lot. He had greatly ruffled Rio’s feelings by his rude familiarity, he had provoked sundry snaps from Troup for biting and catching at his legs, which had greatly alarmed Ellen [the chambermaid] for the puppy’s safety, the more so as she laid claim to him as hers. When I arrived, I found Binks after the chickens, which had brought old Mat out, greatly disturbed at this new pest in her poultry-yard. She was driving him from one brood, where he had produced considerable confusion, but the mischievous rascal immediately put out

after another, when an old hen, nothing daunted by his appearance, flew upon him with impetuous fury, which turned the tide of war, or fun, as the case happened to be viewed by different sides. Binks gave a squall, tucked his tail and fled, much to old Mat's gratification. Now whether the dog perceived this, and determined upon his own revenge in his own way, or not, I cannot undertake to say; but a change came over the spirit of his humors. He broke out in a new direction. This time he took after old Mat herself, caught the skirts of her dress, running round first on one side and then the other, and almost tripping her up. She looked to me very strongly tempted to kick or stamp the insolent whelp, and perhaps would have done it if Binks's good fortune had not come to his timely relief by bringing my presence on the ground. I was surprised to see him so well grown and sprightly. By supper-time every room, corner, and nook of the house into which he could find entrance was explored, and all the grounds and houses round about; even under the kitchen he had found his way in pursuit of a chicken, and there he found a place which it seems suited him better for lodgings than any he elsewhere discovered. To this place soon after supper he betook himself for the night, and no calling or coaxing was effectual in getting him out. It was amusing to hear the different names that were given him. Frank Bristow calls him 'Binger'; the parson calls him 'Mingo'; I call him sometimes 'Sir Bingo Binks,' but usually 'Binks'; while Anthony gives the Dutch sound of the B, and calls him 'Pinks.' Old Mat, whether from spite or not, calls him 'Minks'; while Ellen, Tim, and the younger fry, seeing such confusion among the elders, content themselves with simply styling him the 'puppy.' So he is likely to have names enough. And if you think there is really anything in a dog's name, I should like to have your prognostications in this case."

Some reference having been made to Captain Raphael Semmes, of the *Alabama*, Mr. Stephens writes:

"I was quite intimate with Captain Semmes,—used to correspond with him. He is a planter in Alabama; never quitted the navy, however. For several years before secession he was at the head of the Lighthouse Board in Washington. He resigned as soon as Alabama seceded, though he agreed thoroughly with me in my position on that question, as his letters to me show. He was a Douglas man, and you need not therefore be surprised when I tell you that I consider him a very sensible, intelligent, and gallant man. I aided him in getting honorable position in our navy, and in getting him afloat as soon as possible, which he greatly desired. I tried my best to get Lieutenant Graves at a later period—last October—a position on the *Florida*, which lately sailed from Mobile. Graves is a gallant fellow. I appointed him to the naval school at Annapolis. He is at present on duty at Fort Morgan, and was very anxious to go out on this new steamer."

*January 29th.*—A long, chatty letter, beginning with remarks on the naming of dogs,—still a prominent subject in his thoughts,—and running off to a general disquisition on the subject of *humor*, with special reference to the humor of Erasmus, Plato, Cicero, Cervantes, Scott, Shakspeare, and Dickens. It is to the infusion of humor into their deeper thoughts, he thinks, that all those works which are destined to last for ages owe their immortality. Finally, he calls a halt, somewhat surprised at the train of speculation he has fallen into,—“all springing indirectly from the very small matter of giving a name to a puppy,—Bingo, or Sir Bingo Binks, now lying fast asleep on the rug by the fire, little dreaming what combinations of thoughts he has set a-going.”

*January 29th.*—Linton, his brother John's son, has just left for the army, to join the “Jo. Thompson Artillery” as a volunteer.

“I was very much struck with Linton's general bearing before and at the time of his departure. He seemed perfectly calm and deliberate, without any excitement one way or the other,—neither elated nor depressed. . . . Up to the time of leave-taking he was cheerful as usual, not the slightest change whatever in his usual manner; and when the watches indicated twenty minutes to the time the cars were due, he went out, rigged himself up, and threw around him that double thick carpet-blanket in the library which I had before told him to take. This he wore as a sort of shawl. The large red pattern gave it a fantastic appearance, very much like a Mexican blanket. At this he smiled, as all looked on admiringly, said it was very comfortable, and bid us good-by just as if he had been going home. I walked out with him to the steps on the portico toward the church. The shawl hung low down, sweeping the ground, Binks followed and seized one corner of it in play. Linton said, laughing, ‘Let go my dress!’ This was the last thing I heard him say. He seemed to have a humorous idea that he was habited something like a woman. I felt sad; but the feeling was softened by the cheerfulness with which he stepped on board the bark just launching him upon the voyage of life. I suspect his mother is now lonely in feeling, all her boys who have been with her so long having left her almost at once. I want to go down to see her.”\*

He then comments on some resolutions which Linton proposed to introduce in the Legislature on the subject of the Con-

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\* Mrs. John Stephens and family were then living at the old homestead.



script Laws, and suggests some modifications. For the seventh resolution he proposes this wording:

*"Resolved, That while we regard the said Conscript Acts as thus violating the Constitution of the Confederate States, and involving principles dangerous to liberty as well as subversive of the Sovereignty of the States in cases that may arise; yet, under existing circumstances, we waive all opposition to their present execution, reserving to ourselves the use of such remedies as may be demanded by any future emergency."*

This he thinks the better way to put it. And he desires that the eighth resolution shall provide for their presentation to both Houses of Congress, as "Georgia's solemn protest against the principles and policy of said acts," but "omitting the allusion to repeal." Then follows a rather touching mention of a humble friend who had just died.

"I saw him frequently during the last session of Congress. He used to come and visit me when he could get out of the hospital. He seemed to consider me as kinsfolk, and acted as if he had home-folks to go to see and talk with. This sort of feeling is a great relief to one in a distant land among strangers, especially when weak and sick."

*January 29th.*—(To R. M. J.) "I do not think much of the demonstration spoken of by the Democrats in the Northwestern States. I have no idea of anything like armed resistance to the Lincoln Administration there; and indeed I don't put much faith in what is said of the extent of the disaffection or the degree to which it has gone in that section. It is very much like accounts heralded in Northern papers of the disaffection among us. What do you suppose a Yankee paper would say over Governor Brown's proclamation about bands of traitors or tories in our State that require the military to put them down? Nothing of that sort has occurred in any part of the North yet; and we know, or ought to know, how little confidence is to be attached to it from what we see among ourselves. The great majority of the masses, both North and South, are true to the cause of their side,—no doubt about that. A large majority on both sides are tired of the war; want peace. I have no doubt about that. But as we do not want peace without independence, so they do not want peace without union. There is the difficulty. I think the war will break down in less than a twelvemonth; but I really do not see in that any prospect for peace, permanent peace. Peace founded upon a treaty recognizing our separate independence is not yet in sight of me."

*February 7th.*—"I have from the beginning looked upon Lee as our ablest general. Before the Government was removed to Richmond, and before any reputation was won by any man in either army, except by Beauregard at Charleston, I gave it frequently as my opinion that Lee was our

best officer and McClellan the best the Yankees had. I have never changed that opinion in the slightest degree from that day to this. The President always thought that General Albert Sydney Johnston was the ablest general on the continent. This I have heard him say, or its equivalent. I did not know General Johnston, but thought highly of him on account of the President's opinion, until he had been at the head of the army awhile in Kentucky. I then came to the conclusion that the President was mistaken in his estimate of him, and that conclusion of my mind has not been shaken since, not even by the battle of Shiloh. General Joseph E. Johnston is, I think, General Sydney Johnston's superior. In some things I think he is Lee's superior, or has some qualities essential for a general in a superior degree; but he lacks others which Lee possesses. So, taken on the whole, he is, in my judgment, Lee's inferior. I regard Lee as one of the first men I ever met. I was wonderfully taken with him in our first interview. I saw him put to the test which tries the metal of character—the stuff that a man is made of. He came out of the crucible pure and refined gold, so far as integrity and patriotism are concerned."

*February 8th.*—He is rather indignant at the views of the Conscrip Act and its constitutionality recently propounded by certain public men.

"In my opinion the power to raise armies delegated to Congress is precisely the power given by the Secretary of War to any person he may select 'to raise a regiment.' Nothing more and nothing less. Suppose such authority given, as it has often been done, 'with full power to raise a regiment;' would anybody in this day, in this country, ever dream that such an agent had power to *impress freemen* into his corps? An attempt to do so would excite wonder as well as indignation; but not a whit more, in my opinion, than would have been excited in the Convention that formed the Constitution in 1787, if it had been told them that their agent, Congress, under this clause would attempt that thing.

... "There are two ways of levying troops: one by enlistment, the other by compulsion. Congress has power to raise a levy in both ways,—no doubt about that,—with a qualification, however, in the latter mode. The power in the first clause to raise extends only to the former mode. The following clause relates only to the subject how troops are to be ordered into service when necessary. For the power to provide for calling out the militia means nothing more than the power to order out or compel those to go into service who are able to go and who will not go without the call, the order, or the compulsion. All those who stand in this class are *militia*, whether organized or not, *ex vi termini*, though they are to be organized before they are called out. This is what Congress has power to provide for by law: to have that class of people put into companies, regiments, etc., and trained ready to be 'called out,' 'ordered out,' or 'compelled' to go out when required."

*March 8th.*—(To R. M. J.) “If our Congress will not do something, and that speedily, to sustain our finances, the break-down will be on our own side. Our credit is suffering greatly. Nothing will save it but immediate taxation, and high taxation at that. Lincoln is no more a dictator now than he has been all the time; and as for the *Herald*, I am not surprised at anything in it. It is a mercenary sheet, and utterly destitute of any principle whatever, either moral, social, or political. The Yankee Conscript Law was what I was apprehensive they would adopt. Its main object is to retain in the service those whose terms were about to expire. I don’t think Lincoln will call out a great many more troops. He will keep his army at about a million strong. I have been expecting our recognition by Napoleon early in the spring. One or two items of news from Northern papers within the last ten days tend to check this expectation. These are the correspondence which has come to light between Secretary Seward and the Mexican Minister at Washington. From this it is clearly seen that Seward is currying favor with Napoleon by affording indirect aid in his Mexican War. That war he must feel a deep interest in, and such favor as the Washington Government may show him will go a long way in keeping him from making it his enemy. Again, I see it stated that Lincoln has been closeted with Mercier at Washington. There is no foundation for the assertion in our papers that Seward had given the lie direct to Mercier’s statement touching his visit last year to Richmond. I have read Mercier’s letter and Seward’s; there is no contradiction in them.”

*March 19th.*—He has just returned from Washington (Georgia), where he has been to see General Toombs, who is very sick. He has other sad news to tell, of the loss of a faithful friend:

“It is all over with poor old Rio! He died soon after I left the house for the cars on Monday. I left him in the passage between the library and the main building. He was very quiet and seemed to be in a sleep. I took a last look at him, for I never expected to see him again. After I got out of the gate near the academy, I heard him bark loud and repeatedly, just as he used to bark when I left home. It seemed to me that he knew I had gone. I verily believe he did,—by what strange instinct I cannot say. I told Anthony, who was with me, to go back and be with him, and keep him from falling out at the door, and to take care of him. Before the cars left the dépôt, Harry sent word to me that he was dead.

“Anthony says that after he stopped barking he got up and staggered into the library and went towards my room. His strength failed just at my room door; then he fell and died without any struggle or evidence of suffering. I had given orders about his burial before I left,—these were followed. He lay in the library all night, in the position in which he

usually slept, with his face on his fore-feet. Next day he was put into a box or coffin made by George, and buried in the garden, between the rock-pile and the palings. He was placed in the coffin as he lay.

"It is just two weeks this evening since he and I took our last evening walk. That night he had a cough and seemed unwell; next day he was worse. The last two days he did not seem to suffer so much as he did two or three days before, but slept quietly most of the time.

"He was a remarkable dog,—most devoted in his attachment to me; and I do heartily sorrow and grieve for him. After his afflictions, when he was deaf and blind, it was a source of melancholy pleasure to me to lead and direct him about, and think of his acts in his better days; and now the remembrance of these walks with him in his infirmities awakens associations of as much interest as any connected with his whole life. . . .

"The world will never see another Rio. And few dogs ever had, or ever will have, such a master. Over his grave I shed a tear, as I did over him frequently as I saw nature failing."

*March 20th.*—(To R. M. J.) After speaking of a visit he had just made to General Toombs, he tells of the death of poor Rio. He recounts the details that have been already given, and thus concludes:

"I shed tears at his grave yesterday, and feel as if I shall shed many more for him before he passes from my memory. The infirmities of his old age rather increased than lessened my attachment to him. His devotion to me was, I believe, stronger than life. For nearly thirteen years he has been my constant companion, day and night, when I have been at home, and until he became blind a few years ago, he always attended me wherever I went, except to Washington City. You may well imagine then how I miss him! Miss him in the yard, in the house, in my walks; for, though blind, he used to follow me about the lot wherever I went. When I was reading or writing he was always at my feet. At night, too, his bed was the foot of my own. His beautiful white thick coat of wool was soft as silk. But you know him and need no description. He is gone. You, nor I, nor any one will ever see his like again. Who that knew him as I did could refrain from shedding a tear for Rio?"

*March 29th.*—Heavy and continued rains interfere with farm operations.

"This is a dull and gloomy day,—well adapted in my loneliness to increase that sadness which your last two letters produced; but I have long since learned not to indulge such feelings. They always increase as they are nurtured. . . . I have much to make me melancholy: indeed, I should have been a victim of melancholy long ago if I had not resisted it with all my might. I now feel as if I had conquered in the conflict. It was

not, however, without great danger from another source which I perceived and had to guard and strive against with equal vigilance and energy,—that was misanthropy. These have been the Scylla and Charybdis in my life. Melancholy and misanthropy,—the rocks and the whirlpool. I have, I think, escaped both. This I do not think I have accomplished by myself: I feel within that I have been sustained by an unseen power on whom I have relied and to whom I have looked in my worst trials, even in the darkest hours, with hope and assurance that all would be well under His guidance and protection. I do not feel justified before Him; but I do feel that with his long-suffering and loving-kindness my frailties will be graciously pardoned, my weakness strengthened, and patience and fortitude imparted sufficient to enable me to bear all the ills of this life, and that by discharging my duties fully and to the best of my ability during this probationary existence, I shall be fitted for that higher sphere hereafter, where there will be no more pain and no more suffering, no more trouble and no more sin. These are the principles and convictions on which I act. I have for years made it my business to devote a portion of each day to prayer—in communing with this unseen, all-pervading Power—with God. I was in early life deeply impressed with what is called religious feeling; but after I grew up and entered the world these feelings greatly subsided. I at one time became skeptical, callous. The world was a mystery: I could see nothing good in it. I was miserable, and that continually. But coming to the conclusion, after a close self-examination, that the error might be in myself, I determined to adopt a new line of policy for my conduct. The first resolution was to cease finding fault with, or thinking about, what I could not understand. The second was to nurture and cultivate assiduously the kindlier affections of the heart, and with this every day, at some hour, to put myself in communion with God to the best of my ability, asking Him to aid, assist, direct, and protect me in doing right.

“The effect of this upon my mind and feelings, and general views of things, was soon felt by me. The exercise which at first seemed meaningless and senseless, soon appeared to bring a certain inexplicable satisfaction to the spirit. The earlier impressions of life soon revived. I felt a better—a much more contented and happier man. The feeling grew with its culture,—it softened the temper, awakened deeper emotions of reverence, gratitude, and love. It gave consolation in grief, strength in resisting temptation. It impressed the mind with man’s weakness and frailties, and his dependence on God. It seemed to elevate the soul and put it in unison with its Maker. This is what sustains me.

“Such is the character of my religion. I make no boast of it; and perhaps very few people who know me have any idea of its existence, even to this extent. For I heard last year that —— had expressed the opinion that I was an unbeliever; and some years ago Toombs told me that a gentleman whom I will not name—now dead—said in speaking of me

that I was an infidel—or atheist, I forget which. These opinions produced but one effect on me, and that was the rather painful reflection that I had perhaps not set the world such an example of the real faith that was in me, as I ought to have done. But I have always had such an aversion to what I consider the cant of religion, that I have been rather inclined to suppress than to exhibit to others what I really think and feel in such matters. So far as it concerns the world's judgment in my case, it must look to my acts and conduct.

"I must ask pardon from even you for what I have said in this digression on the subject. I only meant briefly to say a few things about that inward, and I believe spiritual, Power that sustains me in hours of doubt and darkness, as well as in periods of sunshine and good fortune, and to assure you that my life, upon the whole, for many years, has not been an unhappy one. . . . I can say no more now. Indeed, I have said a great deal more than I intended. I have never before said, even to you, so much about some of my heart's secrets. May God be with you, sustain you, guide you, and protect you!"

*March 29th.*—(To R. M. J.) "So soon as the spring opens, I expect to go on to Richmond. I am in lower spirits than usual. The signs of the times are dark and gloomy to me: darker and gloomier than they ever have been here, except during the summer and fall of 1860, when I saw portended so clearly all the troubles we now have upon us, and those still worse which I fear are ahead of us. . . .

"Our country is in a sad condition: worse than the people are at all aware of. It is painful to me to look towards the future. I shrink from it as from a frightful gulf towards which we are rapidly tending. This is a general fast-day, dedicated to humiliation and prayer,—most appropriate duties. . . .

"My motto is patience, fortitude, and duty, at all times and under all circumstances. The world and its events are beyond my control: all I can do is to perform my part faithfully to the best of my ability, with the firm conviction that all in the end will be right, whether it is as I wish it or not."

*April 2d.*—He has received a letter from Linton touching upon religious matters, and takes up again his former train of thought. Then continues:

"I spent three pleasant days and nights down at my homestead place. Did a great deal of work, and have had a great deal done which I think will be useful, mostly in hill-side ditching to save the old hills over which I wandered and worked when a boy. My mind all the time was filled with recollections of my earliest youth.

"I was entertained at night with Andy ——. He is a smart little fellow and says some rare things. The other night his mother was washing him for bed, and, as usual with children, he cried under the operation, and told

his mother not to put her finger so deep into 'the mud-holes of his ears.' The deep recesses of those organs he called 'the mud-holes,' and the other parts 'the gullies' of his ears."

*April 3d.*— . . . "I do hope our State will not endorse the Confederate bonds; but I see A. expresses the opinion that the bill for this purpose will pass by a large majority. It will be a great error and blunder if it is done; and those who vote for it will rue it if they live. The whole scheme is radically wrong in purpose. The responsibility of creating debt, and paying it, or providing for its payment, ought to rest on the same shoulders. *No possible* good can result from the measure. For the power to tax is plenary in the Confederate Government,—State endorsement *cannot* add a particle to the credit of the bonds in case of success in establishing independence. No good then can possibly come of it; but much mischief may. For if Congress has let its credit run by appropriating without the nerve to tax, what will they not do when they are relieved from that responsibility, or imagine themselves relieved, and turned loose to spend without limit? Many do not understand this matter: they do not consider that if Congress does not pay the interest on these bonds, say next year, that the State will have to tax the citizens to meet this payment. The debt now is not much short of one thousand millions. Georgia's part of this would be, in round numbers, about one hundred millions. The annual interest on this will be, in round numbers, about eight millions. Are these people who will vote for this bill of endorsement ready to vote this annual tax on their constituents? The truth is, they are not, and will not do it. Why, then, should they say they will? Why give the pledge? They unwisely think they nor their successors will never be called on to redeem it. In this they are sadly mistaken. I feel deeply upon the subject. It is utterly wrong, and the worst consequences will follow the policy, if adopted."

*April 7th.*—Has been to see General Toombs, who is recovering, and speaks with much gratification of the mental vigor he displays. Thinks it desirable that General T. shall go into the House, as he refuses to be a candidate for Governor.

"I am not without hope that the endorsement matter will fail in our Legislature. I am beginning to think that our President is aiming at the obtainment of power inconsistent with public liberty. I wrote to Mr. G— last week that if the views of the Richmond *Enquirer* were adopted by the people, we should be lost and ruined forever. Still, I am not without hope that the people, with proper counselling and rallying, will check any such schemes. I was put greatly in hopes on this point from the manner in which General Toombs talked. But in all things I do not permit myself to despair. I am determined to do my duty, and leave consequences to the Great Disposer of events, feeling assured that all will be right. I may not see it, but it will be right."

*Richmond, May 1st.*—Refers to rumors of a great fight going on at Fredericksburg. This was the great four days' fighting between Hooker and Lee; Hooker with one hundred and thirty-two thousand men, well drilled and equipped, and Lee with about fifty thousand effective strength. Hooker was met and foiled at every point, and finally driven back. From the point where the combat was most severe this has generally been called the Battle of Chancellorsville. But it cost the Confederacy dearly in the irreparable loss of "Stonewall" Jackson, fatally wounded by a shot fired in mistake by his own men.

In this note Mr. Stephens expresses himself as much gratified by the friendly way in which he was received by the members of both Houses of Congress.

*Richmond, June 26th.*—Lee had now started on his movement into Pennsylvania, and had crossed the Potomac the day before, Hooker following him. There was much excitement in Richmond, as the enemy was making another "demonstration" on that city. Mr. Stephens had been home on a brief visit, and had been summoned to the capital by a telegram from the President, but at the time of writing had not yet seen him.

"I learned an important fact in North Carolina, which I suppose is the cause of the President's call for militia for State defence. Correspondence intercepted between Foster, of North Carolina, and Montgomery, on the Georgia coast, shows that a plan was concocting to have a general insurrection among the slaves on the 1st day of August. Indeed, the plan is concocted and perfected on a limited scale. They are to make it as extensive as possible by the time. From prudential reasons the correspondence has not yet been made public."

*June 27th.*—On this day Hooker was succeeded by Meade, and pressed on to meet Lee, now entering Pennsylvania.

"To-day I had an interview with the President. I *may* go further before my return.\* There is great excitement in the city: no doubt a formidable force is advancing on it from below, far superior in numbers to any that can be brought against it. It may be a feint, but is believed

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\* The reference is to Mr. Stephens's first attempt to have an interview with Mr. Lincoln and the authorities at Washington. It is explained in full in *The War between the States*, vol. ii. coll. 22.



to be real. We have now five steamers running from a Southern port to a neutral one. These are not armed vessels. The *Alabama*, *Florida*, *Virginia*, *Georgia*, and *Clarence* are armed ships afloat. We have got by our commercial steamers about eighty thousand stand of arms lately, powder, etc., and eight hundred cases of bacon and other army supplies. Vicksburg has been replenished with provisions from the other side. No news from Lee. Nobody here knows where he is. I am still very anxious to hear from home, but would advise you to trust nothing of importance to the mails."

Vicksburg, however, was near its fall. On the night of the 22d of April, Grant's transports had run by the batteries to Grand Gulf, where his forces were, from which point he brought them up, and being joined by Sherman, began a siege. The city was held by General Pemberton with about thirty thousand men. It was partly to relieve Pemberton, by drawing off a part of Grant's force, that Lee invaded Pennsylvania. On the 1st, 2d, and 3d of July was fought the great battle of Gettysburg, in which the Confederates were not only checked in their advance, but compelled to retire into Virginia. On the Fourth of July Vicksburg surrendered, and Port Hudson on the 9th, thus opening the Mississippi.

*Richmond, June 28th.*—The excitement in the city continues, all citizens under arms, but nothing definitely known.

"The state of the controversy on the condition of affairs between the two Governments in regard to the exchange of prisoners is in a very unsatisfactory condition. We are upon the eve of the bloodiest and most barbarous system of retaliation. The enemy refuses to exchange any prisoner: they hold all our prisoners to retaliate upon if we execute such officers as may be captured leading negro troops. Whether anything can be done to avert this result I do not know. I am willing to do all I can to avert it, but am not hopeful."

*June 30th.*— . . . "It is desired, I believe, by the Government that I should go farther, or at least attempt to go farther, and see if any agreement can be made on the disputed points. It is not certain that I would be received. . . . From what I can see of the state of the questions, I have but little hope of being able to effect anything, even if negotiations should be entertained. . . . It is thought important to have the effort made and the overture rejected before resort to retaliation, which is now apparently the next step before us. . . . No news from Lee. None from Vicksburg. The enemy at White House are increasing their forces, it is said. The citizens are all out under arms this evening."

*July 1st.*—"I believe it is pretty well settled that I shall go farther. . . . I saw the President again this morning. He is quite sick with dysentery, and was suffering greatly. He has conversed with me very freely, unreservedly, and most confidently on all matters pertaining to the present position of our affairs. So have all his Cabinet. Would that my powers, under the guidance and aid of the Ruler of the universe, were equal to what they desire me to accomplish! But I assure you that I have but little hope of succeeding in the least one of these objects. They urged me to go, though I told them candidly that in the present condition of things I could effect nothing. I yielded my judgment to theirs."

*Evening.*— . . . "Mr. Seddon has just left me. It is determined that I go. Expect to start the day after to-morrow. . . . I have to-day read the 'Montgomery correspondence,' as it is called. Montgomery is the Kansas 'Jay-hawker.' The correspondence is nothing but a letter from him to Foster, dated Washington, D. C., May 12th. It is in the nature of a circular to the commanders of Federal forces in the several Southern districts, stating in substance that a plan was arranged to sever the communications throughout the Southern States. The plan was for the negroes, as far as possible, and as far as information could be got to them by agents,—slaves from their lines, seeming to be escaped, while really sent on this business,—to be induced to rise in mass on the night of the 1st of August, and tear down all bridges, railroad bridges, telegraphic wires, etc., using any and all weapons they could find, and then to make for the swamps or mountains until they could get communication with the enemy. They were not to use arms except in self-defence. They were to live on roasting-ears, etc. As the letter has not been made public, I do not wish you to make any allusion to it; but there is no doubt of its genuineness. We have no further information from the enemy on the Peninsula. . . . A party crossed the Pamunkey day before yesterday,—cavalry,—it was thought with the intention of making a raid on Gordonsville. The militia up there were called out. The citizens of that place drill every day; the number is said to be two thousand four hundred, all armed."

*July 9th.*—"The news from Lee's army is bad. What will befall Virginia in case he has met, or should meet, with a great disaster no one can tell. . . . I was very sorry that he crossed the Potomac. If I had known he was going to do it, I should not have written the President the first letter I did. My policy and the policy of invasion were directly opposite."

The object and result of Mr. Stephens's mission are explained in the following letter of July 10th:

"I am about to leave this place for home again. I am through with the business that brought me here, or at least have done all that I can in it. The object was to hold a conference with the enemy upon several points of disagreement on the existing cartel for the exchange of prisoners.

These points of disagreement present questions of the gravest character. Both sides are about to begin retaliation. I was exceedingly anxious to avoid such revolting scenes, and undertook a mission for this purpose. The proposition was rejected by the enemy, after deliberating on it for two days. I went as far as Newport News. There my arrival and object were telegraphed to Washington City by Admiral S. P. Lee, of the North Atlantic squadron. I deeply regret the result. The final determination not to receive the mission may have been induced by news received of the fall of Vicksburg, and a turn in the tide of war at Gettysburg. How this was I do not know. My object was made known on the 4th, and the rejection of the mission, or refusal to receive it, was notified to me in the afternoon of the 6th. We have no news—none reliable at least—from General Lee. The greatest anxiety is felt for the fate of his army. Misfortunes seldom come singly. The prospect before us presents nothing cheering to me. But my rule is neither to be elated by good news nor depressed by bad."

A few remarks made by Mr. Stephens in conversation during the summer of 1863 were committed to writing at the time: One day, in speaking of the call upon Georgia for eight thousand more volunteers, he said :

"I think it was expected and desired that the call should fail, because the policy of conscription is preferred. When Governor Brown called for volunteers for State defence, here comes a call for the eight thousand. As soon as it is ascertained that both calls will be successful, the call under the Conscription Act is extended to forty-five years. Then officers are instructed to receive none but able-bodied men. All this was done, in my opinion, to prevent volunteering and make conscription appear to be indispensable. They refuse all but able-bodied men under the volunteer principles; but General Cooper decides that incipient consumption shall not exempt a conscript. Now, it is well known that camps are fatal to incipient consumptives, while they are sometimes, with the observance of great care, cured. We had much better take a confirmed consumptive. He will die in any event; but he might kill one of the enemy before he died." . . .

"The hardships growing out of our military arrangements are not the fault of the President. I once thought they were. But they are due to his subordinates, the devotees of West Point. Cases arise, and are brought to the attention of the President, who must decide upon them almost at once. He is often sick, and having abundant confidence in General Cooper, gives his consent to whatever he proposes."

Happening to be in Sparta on the 1st of August, he was called on, by a large number of citizens, for a speech, and he

addressed them at some length on the state of affairs. He began by saying that the country was in great peril, it was true; but that there was no adequate cause for the great despondency which seemed to have seized the public mind. The fall of Vicksburg and of Port Hudson were misfortunes. The fall of Charleston and of Richmond would be still greater misfortunes. But all together, should all happen, ought not to discourage us. There was but one question to ask ourselves, and that was, "Are we determined to be free?" If we are, subjugation is impossible. Charleston, Savannah, and Augusta were long in possession of the British in the war of independence. Our Congress was driven from Philadelphia, and that city was also long in possession of the enemy. The taking of cities is a small matter toward subjugating a people if they are determined not to be subjugated. Frederick the Great was driven backwards and forwards over his dominions for seven years, his capital was taken twice; but determining not to yield, and having true statesmanship combined with the highest military genius, he succeeded at last, and came out of the war far more powerful than when he went into it.

Our people did not lack for courage. The Yankees predicted that our great want would be the want of *patience*. And this is our greatest difficulty.

If the doctrine of State Rights had been acknowledged, we should have had no war. If it were acknowledged now, we should have peace. When South Carolina seceded she ought to have been allowed to go in peace. This was her perfect right. If it had been best for her to secede, it was her right to do so. Had it appeared after secession that this was not for her interest, she would have returned.

Wherever Mr. Stephens went the people were eager to have him express his views upon the situation and the prospects of public affairs; and this was frequently very embarrassing to him, for, while in several important points he disapproved of the policy of the President, and feared its results, he had no wish to cast any further discouragement on the spirit of the people, who, he did not doubt, were able to maintain their independence, if they would have but resolution, fortitude, and

patriotism, and keep always in view the motives which had determined them to prefer separation to union, even at the cost of war. He was also often annoyed by inaccurate reports of his speeches, wherein not only were points omitted on which he had laid great stress, but he was made to say things which he never said, and express views quite the opposite of his own. At times he almost resolved not to speak again in public, on whatever occasion.

The correspondence still turns chiefly on public matters.

*September 21st.*—(To R. M. J.) . . . “As to what I was saying in the conversation to which you allude, about the future relations of the Confederate and Western States, it was in substance this: We must govern the Northwest by ideas, or they will govern us by force. There is no reason in the world why we should not be upon the most intimate and friendly terms with them, so far as trade and commerce are concerned. It is to the interest of both parties that such should be the case. Whether both sections shall ever again be under a common government is beyond all satisfactory conjecture or speculation at this time. But this is not necessary for the purposes I indicate. Their policy could be controlled by ideas emanating from us without the exercise by us of any governmental authority over them, or by them over us, when the war is over, and it must end at some time in some way; we must, if we succeed, have some treaty or compact with these people, regulating our trade and intercourse with them. What will be the nature of such treaty or compact we now cannot say. But in my opinion now is a fitting time,—indeed, from the beginning the time has been fitting to throw out such ideas as may be the nucleus on which the future compact may be formed. These ideas should be well considered and matured, looking to their interests as well as ours.”

*October 28th.*—He writes in reply to R. M. J., who has asked what would be his probable course in the event of the death of the President.

“I should regard the death of the President as the greatest possible public calamity. What I should do I know not. I have never permitted my mind to contemplate the future so far. Should the contingency happen while I hold my present position, I should be governed in my action by circumstances: I should look to such men as I might find agreeing with me in the line of policy I might think it best to pursue. Who they might be I do not know. I have many strong personal friends; but such would not do to rely on in matters of state. Men of the greatest ability, united

with me in opinions, whose services I could command on such a line of policy as I might adopt, would be those I would seek after. My first and great object would be to secure the confidence of the people; to make the Administration acceptable to all classes; to make every man who fights or suffers by privation or sacrifice in any way, feel that it is all for his rights and liberties, and not for a mere dynasty. Good government and constitutional liberty, the birthright of our people, should be the governing principle. This I state to you, not as the result of any reflection on the subject, but as the instincts of my nature. Hence I think it not improbable that among the first acts I should perform would be the clearing of the hospitals of thousands of sick and invalid soldiers, who are doing nothing but wasting what of life is left them where they can do the public no good, but are exhausting supplies which will soon be very much needed. Every provost-marshal should soon be dismissed, and the whole passport system abolished. Fifty thousand men now engaged all over the country in this sort of annoying business should either be sent to the army where they belong, or sent home to some profitable occupation. All impressments, except in case of actual necessity for the army, should be instantly discontinued. Supplies should be bought at market value. Virtue, honesty, justice, and patriotism, that lofty sentiment which looks to good government as something worth living for and dying for, should be inculcated in every possible way."

*November 3d.*—(To R. M. J.) "In my letter of last week, written just before starting for Atlanta, I did not say as much as I intended on one point alluded to. That was, my reason for looking upon the death of the President, should such an event happen, as one of the greatest public calamities that could befall us. This is an unpleasant subject to me; but as your letter brought it to my mind, and I gave you the opinion I did, it is but proper to state the reasons upon which it was founded. The general and profound shock such an event would produce throughout the country in its present restless and dissatisfied condition, would of itself tend to gender and increase a spirit of dissension and faction. Such a spirit at all times exists in a country situated as ours is; and with us it would almost certainly manifest itself in a formidable way, from the fact that a large party in the country, or at least a large number of prominent and active men in the country, who would, in all probability, soon form a party for concert of action, really and honestly would distrust my ability to conduct affairs successfully. They have now, and would have, no confidence in my judgment or capacity for the position that such an untimely misfortune would cast upon me. They believe, I am confident, that under my administration all would go to ruin. To what extent these demonstrations might go I cannot conjecture; but quite far enough greatly to weaken and cripple my efforts on any line of policy I might adopt, even assuming that it might be the best. The unbinging and upturning and unsettling things so little settled at present; the greater confounding of things even

now confused; the uncertainties, the disquietudes, the breakings-up of hopes and expectations that such an event would occasion, would render it unquestionably one of the greatest calamities that could befall us, to say nothing of the correctness of the views of those who entertain such serious doubts of my ability to direct affairs. On that point I assure you I have the strongest distrust of myself. I know that affairs in many particulars would not be managed as they are; but would they be managed for the better or the worse? I know not; and it would be with trembling and fear I should take the helm if the necessity should ever arise.

"I wish never to advert to this subject again."

*Sparta, November 23d.*—Mr. Stephens writes to Linton from Linton's own house, where he had come to pay him a visit, but found him not at home. So he has his talk on paper. He makes quite a little dramatic scene of his entrance and greetings by the children and servants. It is the birthday of his niece "Becky," and he has brought her some presents. There is some joking at the expense of one of the family, who in running from a dog had broken down part of a panel of fence. "Uncle Aleck" enters very heartily into it all, and is particularly solicitous for information about this "running-from-the-dog affair;" and afterwards records it all with great gusto for the absent father. The next morning he continues his chronicle, and gives in dramatic form a "scene in the library," where he seems to have held a sort of High Court of Investigation as to how things are going on on the place. There is a kind of murrain among the young pigs, it seems, but no scarcity of meat is apprehended. There are eighty acres of corn to gather. Firewood is running low, but they are going to haul some. And thus all the personages of the household, in their own persons, are made to tell the little news,—the so trivial yet so precious talk of home. He thinks, though he does not say so, that in this form it will please his brother best.

*Sparta, November 24th.*—Another little batch of home news. The children are writing to their father.

. . . "Becky got her letter off yesterday. Claude did not get through with hers in time this morning. I told her to write another and not to make it so long. This she did. I inclose both of them to you. They cost her a great deal of labor. She does not know I am going to send both. I don't know whether you can read either. I made her captions for her, and

have trimmed a few of her double t's, so as to make them a little plainer. I can read both letters very well, but doubt if you can. Cosby,\* however, says that they are as plain as mine. He, by the by, is writing to you and grunting. He is badly off with rheumatism."

*November 25th.*—He has made an omission in a previous letter, —an omission for him really surprising,—and writes to correct it.

"I did great injustice to a member of your household in my letter of Monday. I fully intended to make the *amende honorable* yesterday, but forgot it. In my letter I said that when I got here I found nobody at home, when the truth was, Pompey [Linton's dog] was on the steps and gave me a most cordial welcome. He said nothing, but conducted me into the library with a great deal of canine gallantry. He has ever since kept close to me. Last night he slept in my room (*your* room, I should say), but did not make any attempt on the bed. This showed better breeding, I think, than his grandson Binks would have shown under the circumstances. Sir Bingo always looks out for soft places and warm ones in cold weather.

"Dr. Berckmans came over yesterday evening to play piquet with me. We had several games. After supper he and Cosby played: I sat in the corner and smoked my pipe. They played on, until I got sleepy: the game between them about equal from what I could gather. Half asleep, I would occasionally hear Cosby saying, 'Five cards and four sequences is nine—and three aces is twelve—is twelve—is twelve—twelve——' *The Doctor*: 'You will play for thirteen, if you please.' *Cosby*: 'Twelve—twelve.' Then on another hand the Doctor would say, 'I am cant-e-corse' (*quinte et quatorze*: fifteen sequences and fourteen by pairs),—'I am fifteen on spades and four aces.' In this way it went on until I got up and went to bed."

*Crawfordville, December 9th.* . . . "I see it stated that Johnston is to take command of the Army of Tennessee. I am glad of this. . . . One thing about Johnston I like,—or at least I have the opinion of him that he will not fight unless he feels assured of victory. Our ultimate success now depends as much upon not fighting as fighting."

*December 31st.*—He would have gone to Richmond by this time, but has been suffering greatly with his side, and the unusually wet weather makes travelling dangerous for an invalid. Linton has been confiding some trouble to him, and he writes:

"Your last letter has awakened my deepest sympathy. Could I say or

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\* Cosby Connell, Esq., a bachelor-friend of Linton's, residing at his house.



do anything to afford relief or even consolation, most cheerfully would I do it. But I can do no more than give you my own experience. I can but hope that you may perhaps profit by it. I have in my life been one of the most miserable beings, it seemed to me, that walked the earth,—subject to occasional fits of depression that seemed well-nigh bordering on despair. Without enjoyment, without pleasure, without hope, and without sympathy with the world. Everything seemed to render me more and more miserable. The first lesson I learned in this condition that did me any good was this great truth: that man's happiness or misery depends more upon himself than everything else combined. Every one carries with him passions and emotions with which, according to their cultivation, he may make a heaven or a hell. The first rule of conduct deduced from this lesson was the strict and absolute avoidance of everything that annoyed, or tended to excite those passions that rendered me unhappy, and the assiduous cultivation of those feelings that were attended with the opposite effect. Great and heroic effort was necessary at first and for a long time. . . . Never let the mind dwell upon anything disagreeable,—turn it to something else. Even in the worst state of things that befall us there are some prospects more agreeable than others: let the mind be directed to them. With a proper discipline of one's self in this way, ever keeping the passions in perfect subjection, contentment and happiness are attainable by all, with a constant culture of the moral faculties, and a firm reliance on the great Father of the universe."

## CHAPTER XXXVIII.

Sudden Illness—Hospitality of Liberty Hall—An Emergency—Speech before the Legislature—"Habeas Corpus" and "Peace" Resolutions—Weather Notes—Reminiscences of Governor Troup—A Night Adventure and an Escape—A Cynic Philosopher—Notes of Travel—Wounded Soldiers—Sherman approaching—The Chicago Convention—Letter to Georgia Gentlemen—General Sherman's Device and its Failure—Plans of Adjustment—Thinks of resigning—Judge Taney's Decision.

THE health of Mr. Stephens was worse than usual during the winter of 1863-64. To his existing infirmities was added another, which, in the matter of actual physical suffering, was more than all the rest together. About the middle of January he was suddenly, and without any premonitory symptoms, seized with an excruciating pain in the side. Familiarity with suffering and sickness had already led him to some researches into the causes and symptoms of disease, and the nature of that organism which was susceptible of such variety of torment; and he at once judged that his new trouble was calculus in the kidney. He had but just time to summon a servant and send for his brother and a physician, when his pain became so extreme that he fell down helpless. From this disease he suffered greatly for more than a year; but none of the following paroxysms was so violent as the first, and having learned to anticipate them, he was enabled to break their force by precautionary measures.

On the 1st of January he writes to R. M. J.:

"Our affairs, in my judgment, have been growing worse and worse for the last four years, and will be greatly worse yet, I fear, unless there be a radical change in our military policy,—if indeed we have any, which I very much question. It seems to me that those at the head of our affairs on this subject have had no policy, no definite line of action with a view to fixed objects. They have all along been like the Tennessee lawyer, 'trusting to the sublimity of luck, and floating upon the surface of the

occasion.' . . . But I will not croak or grumble. I am a patient looker-on,—that is all."

*January 21st.* . . . "If the pending proposition before Congress passes, to put the whole country under martial law, with the suspension of the writ of *habeas corpus*, and the President signs and enforces it, and the people submit to it, constitutional liberty will go down, never to rise again on this continent, I fear. This is the worst that can befall us. Far better that our country should be overrun by the enemy, our cities sacked and burned, and our land laid desolate, than that the people should thus suffer the citadel of their liberties to be entered and taken by professed friends."

There was probably no home in Georgia where the old-fashioned virtue of hospitality was—and still is—practised on a more liberal scale than at Liberty Hall.\* For many years it has been Mr. Stephens's practice, during court week, to entertain all the lawyers in attendance from other counties. As he lived on the line of the railroad, every one who passed between Augusta and Atlanta, whether previously acquainted with him or not, felt entirely free to favor Mr. Stephens with a brief call,—a visit of a day or two, or a stay of several weeks, as they might feel inclined. Some came out of respect, some from curiosity, some to ask pecuniary assistance, and many from the feeling that his house was open to everybody. As for the people of Taliaferro County, there was not a man, woman, or child there who did not feel as much at home in Mr. Stephens's house as in their own, which they were free to enter at any time and stay as long as they pleased. So it can be easily surmised that, although his personal manner of living has always been of the simplest kind, his domestic expenses have been exceedingly heavy. In addition to the sums he has bestowed on the education of young men, as already mentioned, he has probably expended in charity a greater proportion of his income than has any other man of his part of the country.

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\* This name he gave his residence in 1845, when he first became its proprietor. The name was given because he expected all friendly visitors to act with as perfect liberty as if they were at home. The house was always open, whether Mr. Stephens was there or not. During the war many gave it the name of "the Wayside Home," where sick and crippled soldiers were always hospitably received and well cared for by Harry, the excellent major-domo of the establishment, and his worthy wife, Eliza.

Rarely does a chance visitor call at Liberty Hall at dinner-time that he does not find other guests, some of whom were as little expected as himself. Mr. Johnston has often seen a plain countryman walk into Mr. Stephens's office, where the latter was writing, and after an exchange of greetings not a word has been spoken until dinner was announced. Immediately after dinner the guest has departed with as little ceremony as graced his entry; very frequently first asking and receiving an order on the village store for groceries, or a pair of shoes, or a frock for his wife. It may be thought that this practice does not tend to improve the independence and self-respect of the stalwart yeomen of Taliaferro; but they seem to feel that they stand in a different and closer relation to Mr. Stephens than to the rest of their more affluent neighbors.

Mr. Stephens, however, never allows himself to be incommoded by these visitations. If he is occupied, he welcomes his guests and then continues what he has in hand, leaving them to entertain themselves. His dinner-hour is never postponed; and whether his guests be few or many, they must content themselves with what is already prepared or can be got ready without delay. The following letter, written after an unexpected influx of guests, will serve to show some of his resources on such occasions:

"Just as I was concluding that letter, Dr. — and his family came in,— wife, children, and servants,—'frustrating' me a little, as it was dinner-time, and I knew that only three names beside my own had been put into the pot, and as I was unwell, and besides it was Eliza's [his cook and laundress] wash-day, I thought of but little during the winding-up of my letter but the scanty showing for dinner we should have for so many more than were expected, unless new arrangements were immediately put in motion. For, besides the doctor and his family, I soon saw two others coming.

"And now if you have any curiosity to know how the little affair of dinner at short notice on a wash-day was managed, I will state for your satisfaction that Eliza very soon had us an excellent meal of fried ham and eggs, quite enough for all, which all seemed to relish very well, too. The bread was hasty corn-cake, good enough for hungry people. This, with butter and buttermilk, constituted our dessert. The children pitched into sorghum syrup with as keen a relish as if it had been apple-pie. Upon the whole I do not know if it did not all pass off as well as if I had

delayed dinner an hour or two and had tried to do better. My rule in such cases is, never to fix up anything for persons dropping in at meal-time. If I have not enough cooked, as in this case, I set them to cooking that which can be got ready in the quickest time."

Mr. Stephens continued his opposition to the bill authorizing the President to suspend the writ of *habeas corpus*. Frequent allusions to it occur in the correspondence.

*February 20th.*—(To Linton.) "I see by the telegrams yesterday that the *habeas corpus* suspension is not general; but the limitations are not, as to totality, as I expected. They are as to causes of arrest. The efforts to suspend the act were once defeated, I think. The matter then, as the bill shows, was brought forward at the instance of the President. Congress, I suspect, granted only part of the request,—not, probably, what was wanted. So the courts are still left open for the protection of ordinary legal rights. But I trust the new Congress will repeal the present act. Power should not be allowed to make any encroachment."

On the 16th of March, Mr. Stephens, by request, addressed the Legislature of Georgia on the state of public affairs. In this speech, which was made the subject of much hostile newspaper comment, he reviewed and sharply criticised the "Conscription" and "Habeas Corpus" acts, and warned the people against the danger of supposing that any emergency could render necessary the surrender of their liberties.

In this month two sets of resolutions, known as the "Habeas Corpus" and "Peace Resolutions," were drawn up and presented by Linton Stephens to the Georgia Legislature, and adopted by that body. Their character and tone had great effect, and the Peace Resolutions, as the expression of so powerful a State of the Confederacy, greatly strengthened the hopes of that party at the North who wished the war to be closed on some amicable plan. These Resolutions were as follows:

*"The General Assembly of the State of Georgia do resolve,*

"1st. That under the Constitution of the Confederate States there is no power to suspend the privilege of the writ of *habeas corpus*, but in a manner and to an extent regulated and limited by the express, emphatic, and unqualified constitutional prohibitions that 'no person shall be deprived of life, liberty, or property without due process of law,' and that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,

and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched and the persons or things to be seized.' And this conclusion results from the two following reasons: First, because the power to suspend the writ is derived, not from express delegation, but only from implication, which must always yield to express, conflicting, and restraining words. Second, because this power being found nowhere in the Constitution, but in words which are copied from the original Constitution of the United States, as adopted in 1787, must yield in all points of conflict to the subsequent amendments of 1789, which are also copied into our present Constitution, and which contain the prohibitions above quoted, and were adopted with the declared purpose of adding further declaratory and restrictive clauses.

"2d. That due process of law for seizing the persons of the people, as defined by the Constitution itself, is a warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the persons to be seized; and the issuing of such warrants, being an act of judicial power, is, if done by any branch of the Government except the judiciary, a plain violation of that provision of the Constitution which vests the judicial power in the courts alone; and therefore all seizures of the persons of the people by any officer of the Confederate Government, without warrant, and all warrants for that purpose, from any but a judicial source, are, in the judgment of this General Assembly, unreasonable and unconstitutional.

"3d. That the recent act of Congress to suspend the privilege of the writ of *habeas corpus* in cases of arrests ordered by the President, Secretary of War, or general officer commanding the Trans-Mississippi Military Department, is an attempt to sustain the military authority in the exercise of the constitutional judicial function of issuing warrants, and to give validity to unconstitutional seizures of the persons of the people; and as the said act, by its express terms, confines its operation to the upholding of this class of unconstitutional seizures, the whole suspension attempted to be authorized by it, and the whole act itself, in the judgment of this General Assembly, are unconstitutional.

"4th. That in the judgment of this General Assembly, the said act is a dangerous assault upon the constitutional power of the courts, and upon the liberty of the people, and beyond the power of any possible necessity to justify it; and while our Senators and Representatives in Congress are earnestly urged to take the first possible opportunity to have it repealed, we refer the question of its validity to the courts, with the hope that the people and the military authorities will abide by the decision.

"5th. That as constitutional liberty is the sole object which our people and our noble army have, in our present terrible struggle with the Government of Mr. Lincoln, so, also, is a faithful adherence to it, on the part of our own Government, through good fortune in arms, and through bad, one of the great elements of our strength and final success; because the

constant contrast of constitutional government on our part with the usurpations and tyrannies which characterize the government of our enemy, under the ever-recurring and ever-false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal, and of inspiring the people of the North more and more with a desire and determination to put an end to a contest which is waged by their Government openly against our liberty, and as truly, but more covertly, against their own."

The "Peace Resolutions" were as follows:

*The General Assembly of the State of Georgia do resolve,*

"1st. That to secure the rights of life, liberty, and the pursuit of happiness 'governments were instituted among men, deriving their just powers from the consent of the governed; that, whenever any form becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as shall seem to them most likely to effect their safety and happiness.'

"2d. That the best possible commentary upon this grand text of our fathers of 1776 is their accompanying action which it was put forth to justify; and that action was the immortal declaration that the former political connection between the colonies and the State of Great Britain was dissolved, and the thirteen colonies were, and of right ought to be, not one independent State, but thirteen independent States, each of them being such a 'people' as had the right, whenever they chose to exercise it, to separate themselves from a political association and government of their former choice, and institute a new government to suit themselves.

"3d. That if Rhode Island, with her meagre elements of nationality, was such a 'people' in 1776, when her separation from the Government and people of Great Britain took place, much more was Georgia and each of the other seceding States, with their large territories, populations, and resources, such a 'people,' and entitled to exercise the same right in 1861, when they declared their separation from the Government and the people of the United States; and if the separation was rightful in the first case, it was more clearly so in the last, the right depending, as it does in the case of every 'people' for whom it is claimed, simply upon their fitness and their will to constitute an independent State.

"4th. That this right was perfect in each of the States, to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever; and while these Southern States had long had reason enough to justify its assertion against some of their faithless associates, yet, remembering the dictate of 'prudence' that 'governments long established should not be changed for light and transient causes,' they forbore a resort to its exercise until numbers of the Northern States, State after State, through a series of years, and by studied legislation, had arrayed

themselves in open hostility against an acknowledged provision of the Constitution, and at last succeeded in the election of a President who was the avowed exponent and executor of their faithless designs against the constitutional rights of their Southern sisters; rights which had been often adjudicated by the courts, and which were never denied by the abolitionists themselves, but upon the ground that the Constitution itself was void whenever it came in conflict with a 'higher law,' which they could not find among the laws of God, and which depended for its exposition solely upon the elastic consciences of rancorous partisans. The Constitution thus broken, and deliberately and persistently repudiated by several of the States who were parties to it, ceased, according to universal law, to be binding on any of the rest; and those States who had been wronged by the breach were justified in using their right to provide 'new guards for their future security.'

"5th. That the reasons which justified the separation when it took place, have been vindicated and enhanced in force by the subsequent course of the Government of Mr. Lincoln,—by his contemptuous rejection of the Confederate Commissioners who were sent to Washington before the war, to settle all matters of difference without a resort to arms; thus evincing his determination to have war,—by his armed occupation of the territory of the Confederate States, and especially by his treacherous attempt to reinforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the jurisdiction of his Government; thus rendering war a necessity, and actually inaugurating the present lamentable war,—by his official denunciation of the Confederate States as 'rebels' and 'disloyal' States for their rightful withdrawal from their faithless associate States, while no word of censure has ever fallen from him against those faithless States who were truly 'disloyal' to the Union and the Constitution, which was the only cement to the Union, and who were the true authors of all the wrong and all the mischief of the separation; thus insulting the innocent by charging upon them the crimes of his own guilty allies,—and finally, by his monstrous usurpations of power and undisguised repudiation of the Constitution, and his mocking scheme of securing a 'republican' form of government to sovereign States by putting nine-tenths of the people under the dominion of one tenth who may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutional republicanism in the North as well as in the South.

"6th. That while we regard the present war between these Confederate States and the United States as a huge crime, whose beginning and continuance are justly chargeable to the Government of our enemy, yet we do not hesitate to affirm that, if our own Government and the people of both Governments, would avoid all participation in the guilt of its continuance, it becomes all of them, on all proper occasions and in all proper ways,—the people acting through their State organizations and popular Assemblies,



and our Government through its appropriate departments,—to use their earnest efforts to put an end to this unnatural, unchristian, and savage work of carnage and havoc. And to this end we earnestly recommend that our Government, immediately after signal successes of our arms, and on other occasions when none can impute its action to alarm, instead of a sincere desire for peace, shall make to the Government of our enemy an official offer of peace on the basis of the great principle declared by our common fathers in 1776, accompanied by the distinct expression of a willingness on our part to follow that principle to its true logical consequences by agreeing that any border State whose preference for our association may be doubted (doubts having been expressed as to the wishes of the border States) shall settle the question for herself, by a convention to be elected for that purpose, after the withdrawal of all military forces of both sides from her limits.

“7th. That we believe that this course, on the part of our Government, would constantly weaken, and sooner or later break down the war-power of our enemy, by showing to his people the justice of our cause, our willingness to make peace on the principles of 1776, and the shoulders on which rests the responsibility for the continuance of the unnatural strife; that it would be hailed by our people and citizen-soldiery who are bearing the brunt of the war as an assurance that peace will not be unnecessarily delayed, nor their sufferings unnecessarily prolonged; and that it would be regretted by nobody on either side, except men whose importance or whose gains would be diminished by peace, and men whose ambitious designs would need cover under the ever-recurring plea of the necessities of war.

“8th. That while the foregoing is an expression of the sentiments of this General Assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms, and until the independence and nationality of the Confederate States is established upon a permanent and enduring basis.”

It should be added here that the 8th of the “Peace Resolutions” was not prepared by Linton Stephens, but was offered as an amendment, and adopted.

*April 17th.*—(To Linton.) “I see the Mississippi Legislature has *unanimously* passed the Resolutions against *habeas corpus* suspension. Have you seen their Resolutions? They are jam up on our line. What will Mrs. Grundy now say? Is Mr. Davis’s own State in unanimous opposition to his Administration in this particular? Are they all factionists and malcontents?”

Many of these letters abound in comments on the weather, of

which Mr. Stephens was always a curious observer, and of the various changes of which he had a remarkable recollection. We give some extracts from one as a specimen :

*April 18th.*—"This is certainly a very late and extraordinary spring. I have seen crops as late as they are now; but never did I see the 16th of April come with so little start in vegetation generally. For instance, on this day of this month, in 1849, I saw a frost that killed everything,—wheat in the head, corn half-leg-high (some of it ploughed over once), young peaches as large as the end of your thumb. Not only the fruit, but the leaves of the trees were killed, and the whole forest was rendered almost black. The leaves on all trees were full-grown when the frost came. . . . One of the singular things or facts to be noticed in this spring is that peach-trees on high land bloomed about as early as they usually do, while those in the low land held back like the apple-trees. The red oaks, post oaks, hickories, and black locusts in my yard still present a wintry appearance; the buds have hardly commenced to swell. The Spanish oak has made more advance; the buds show plainly on it, and some tasselled blooms are to be seen. But the forest still looks wintry. Such a state of things on the 16th day of April I never saw before, and I have a distinct recollection for the last forty-five years. The latest spring I ever saw before this, in respect to planting, was in 1843. All March was cold that year,—big snows on the 19th and 29th, succeeded by hard frosts. But when that spell broke up, as it did on the night of the 31st of March, it was in one of the most wonderful thunder-storms ever witnessed in this country, and the more noted at the time by the superstitious from the fact that that was the day the world was to come to an end, according to the Millerites, who had been cutting some figure for a few years."

And so he goes on, giving particulars of remarkable springs, with day and date for each phenomenon, running back as far as 1826. Then criticises a performance of Blind Tom, and concludes by remarking that he expects frost in the morning, the wind being from the northwest.

A letter of about this date recites some curious particulars that he had learned about the personal habits and mode of living of Governor George M. Troup, of Georgia, who was quite a celebrity in his day, and constituted his ideal of a statesman.

"His dwelling, which he called 'Valdosta,' in Laurens County, consisted, until a few years before his death, of five log cabins built in a row, ranging from east to west. These cabins were about fifteen feet square, and built about ten feet apart; the cabins and spaces between all covered

with three-foot boards. On each side was a piazza running the whole length of the row of cabins; and at the eastern and western end of the row there was a chimney made of sticks and dirt. There were two doors in all the intermediate cabins, and these faced each other, opening on the space between; but no doors opening on the piazzas. The end cabins had but one door each, opening on the space between them and the adjoining cabin. There was no window in any of the cabins except one small one,—about a four-glass light,—on the north side of the east cabin, which was the parlor or sitting-room, and this window opened by hinges. Troup generally sat near this window in a large mahogany arm-chair. There was no clock, watch, or timepiece about his house, save a sort of sun-dial that he had made on the floor of the south piazza. When he wanted dinner,—and it was never served until he called for it,—he would open the little window mentioned, and say, ‘Madison, let us have dinner.’ He had a man cook named Madison. He lived by himself, except one unmarried daughter, until his son George M. came home from college; and after that George was frequently away from home on some of his other plantations, or on visits and travels, so that the old Governor and his maiden daughter were generally by themselves. The logs of these cabins were all roughly hewn with an axe, and the cracks stopped with long, rived boards. There was a floor laid on hewn joists overhead in all the cabins, but no ceiling, nor was there any up-stairs. The parlor had a carpet, and the walls of that room were painted a deep green, the color of forest leaves. The Governor had no library-room, though he had a great many books. These were generally scattered about the cabins, the only place for them being shelves against the walls in all the rooms. These shelves were made by two upright planks with cross planks. His guests were put off to sleep in these rooms without any fire, and there was no light except when the door was opened. Where the Chief himself slept Hitt did not know. At about the same hour at night a servant brought him something in a teaspoon, which he took in his hand, bid all good-night, and went to bed somewhere. . . . In his ordinary dress he wore the same cloth as his negroes. . . . He thought his place, Valdosta, was the healthiest in the world, and could not be induced to travel in the summer to the up country, for fear of getting sick. At one time, speaking to Hitt of this subject, he said, ‘I have five hundred and ten in family,—only three whites,—and have not had a death in twelve months.’ . . . His plan with his negroes was to require a stated service from them, and the remainder of the time they worked for themselves. . . . His negroes all looked up to him with a devotional reverence. . . . Hitt says Troup’s negroes were the largest corn-sellers in Laurens County; the crops they made for themselves were corn.”

Several of the letters refer to his expectation that Governor Brown would offer Linton a place on the bench, and his desire

that the offer, if made, should be accepted. On the 5th of May he writes :

"If the Governor should tender you a judgeship, consider it well before you decline. There are many reasons why I think you would do well to accept it. First and foremost is the great importance of having a judicial decision on the new Conscript Act. But few, if any, of the judges in this State considered that question; and not one of the applicants for the place in this circuit, I think. It is important when the case goes again before our Supreme Court that they should have a decision to show that cannot be answered. This is really the only consideration that would control my own action in the matter. It would be a sense of duty to the country. Your retirement from the Legislature would be a great loss there; but could you not, and would you not, in the new sphere, render the country quite as great, if not greater and more essential service in this particular juncture?—that is the question. I do not think there would be any difficulty in the confirmation; nor do I think there will be any in your re-election to the Legislature. These are my views. It is only a question as to which place you could render the country most efficient service in."

*Charlotte, North Carolina, May 12th.*—He is on his way to Richmond by rail, travelling in a passenger car attached to a train loaded with bacon for the army. After describing an eccentric fellow-traveller, whom, he says, "Dickens ought to come across," he continues :

"About dark it began to rain. I had before discovered that there was another train following in our rear, about five minutes behind us. I inquired of the conductor about the danger of being run into in the dark, and learned that the only precaution was a lamp in the rear of our car. On we went, making slow speed up the grades, and dashing at a furious rate down them. All fell asleep. I was stretched out on two benches, dozing. The cars were halting,—jerking up a high grade. Presently I felt a big jerk, and soon heard a soldier say, 'The cars have broken loose, and we are running back down the grade.' I jumped up, looked out, and saw it was so. Our speed was increasing rapidly; the rain was pouring, and all outside was dark,—black as pitch. I went to the rear end of the car to look out for the train behind us, and there I found the conductor standing with the signal-lamp. No sign of the other cars. The rain pouring, all black with darkness, the cars gaining in speed every moment, I woke up Hidell and Myers; this woke all in the car. On we went to the foot of the grade, about two miles, and then we began to ascend. Our speed now began to slacken,—this brought hope and relief to all. In about half a mile farther we stopped. I asked the conductor if he

knew where we were, or the nature of the road immediately in our rear? Were we on a curve, or was there a straight stretch on the line the rear cars would come? He said it was a straight stretch for a mile and a half to the Catawba River. This put me at ease, and I took my bed again. Soon Hidell, who remained at the end door, came and reported to me that the conductor was mistaken,—we were on a curve. He saw by the lighting. I went and looked, and when it lightened saw that the road could not be seen more than fifty yards. I looked for the conductor; he was gone and could not be found: the signal-lamp was held by one of the train-hands. Upon a survey of the premises I discovered that the step of the car was exactly opposite a bridge across the side ditch. A fence was near the road, inclosing woods and a pair of bars right opposite the little bridgeway across the ditch. So I concluded it safest to get out. All followed except two or three, who remained watching for the approaching cars. We who got out passed over the bridge, got into the woods, and just at this time the other train came dashing down the grade. On it came until it turned the curve,—the lantern man gave a whoop, left his lantern standing where it could be seen, and followed us. The whistle instantly sounded, all brakes were put down, and the engine reversed. The train halted within the distance, and no harm was done. Our engine came back for us after awhile. We all got off in the course of an hour, and reached here at the time stated.

“No definite news from Richmond this morning, and no news at all from Dalton.” [At this time Grant was moving on Richmond from the North with about one hundred thousand men, while Butler, with about thirty thousand, was approaching by way of Petersburg. Sigel, with about ten thousand, and Crook, with about six thousand, were operating in Lee's rear. This movement of Grant's was baffled by Lee in the battles of the Wilderness, Spottsylvania Court-House, North Anna, and Cold Harbor. The movement of Butler was arrested by Beauregard, and the Federal commander “bottled up” at Bermuda Hundreds. Crook and Sigel were routed by Breckenridge at New Market. Sherman, with a force of about two hundred thousand, was moving upon Atlanta, but was checked at Dalton, Georgia, and thwarted for months by the superior generalship of Joseph E. Johnston, with a force of about forty-five thousand.] “No news I am always inclined to look upon as bad news. I am uneasy about the state of affairs at both points, Dalton and Richmond. I am fearful that our authorities have under-estimated Grant's force. If he has two hundred thousand, as I think he must have, it seems to me that if he has disposed of them as he might have done, we must be in great peril there. Suppose, for instance, he brought against Lee eighty thousand,—about Lee's number, perhaps,—and suppose he landed twenty thousand on the Rappahannock below Fredericksburg, and fifty thousand at the head of navigation on the Pamunkey, and fifty thousand near City Point. Suppose his object in attacking Lee was to detain him, skirmish with him for

four or five days as he was making his way down on the south side of the Rappahannock to Fredericksburg, while the twenty thousand were moving up to reinforce him if he should be hard pressed, and while the fifty thousand landed at West Point or higher up were moving up on the south side of the South Anna towards Beaver Dam and the Central Railroad, thus putting fifty thousand men between Lee and Richmond, and cutting off Lee's supplies by railroad, on which he is solely dependent,—then his army, or what remains of it, say at least fifty thousand, reinforced by the twenty thousand coming up the river, could easily join the other fifty thousand between Lee and Richmond, making in all one hundred and twenty thousand, most of them fresh troops, to face Lee's reduced and fatigued forces. In the mean time, the fifty thousand at or about City Point would hold Beauregard, with not over fifty thousand, in complete check. If Grant has adopted any such programme as this, it seems to me that we are in great peril; and if he has not, he is not the military chieftain he is asserted to be. I am anxious. I hope all will end well. Lee is a man of great ability; but Bragg is controlling everything at Richmond now."

*Reidsville, North Carolina, May 16th.*—He is again interrupted on his journey, the railroad between Danville and Richmond having been cut by the enemy. He came over in an ambulance, called "avalanche" by John, the negro driver, of whom he gives a facetious account.

"He is a philosopher in his way, and not destitute of wit. One of his peculiarities is a standing phrase used in giving his estimate of men. Instead of speaking of them as 'great men,' or 'little men,' his phrase was 'a heavy dog' and 'a light dog.' 'John, do you know Governor Morehead?' 'Oh, yes, sir.' 'What sort of a man is he?' 'Oh, sir, he is a heavy dog: one of the heaviest dogs, sir, we have.' 'Who keeps the tavern at Reidsville where we are going to stop?' 'His name is L——, sir.' 'What sort of a man is he, John?' 'Oh, he is just a common dog, sir. He is taking a rise since the war began,—is making lots of money now. He keeps a good house; plenty to eat; is very kind, and will treat you like a gentleman. He is very well-to-do in the world,—is a fair common dog,—not one of your heavy dogs; but if the war lasts and he keeps raking in the money in the way he has been raking it in for some time, and it only turns out good, he will be a heavy dog himself before long. If what he has made was only the heavy stuff money used to be, he would be a heavy dog now.'"

John tells how a short time before he drove General Beauregard over to take the cars.

"What did you think of General Beauregard?" "I never was so disappointed in a man in my life." "Why?" "He was so blamed plain and

ordinary-looking. I 'spected to see a great fine-looking man, with gold lace and buttons and epaulettes, and some sort of a hat,—I did not know what. But when I saw the man they said was General Beauregard, I wouldn't 'a' believed it if they hadn't told me. Indeed, I didn't believe it anyhow, until I saw the ladies shaking him by the hand and making such a to-do over him.' 'What was the matter with him?' 'Oh, he was so plain in his clothes, and looked so like common folks. He had no epaulettes, no buttons, no stripes, no stars, no lace,—nothing but a shabby hat, and his clothes all looked old and worn.' "

Various "dots by the way," as he calls them, follow from Reidville and Danville. At the latter place he was again stopped by a railroad accident,—one train ran into another on a bridge, killed several soldiers, and broke the bridge,—and finding that, owing to the state of the roads and the movements of the enemy, it was almost impossible to get to Richmond, he resolved to return. At Columbia, South Carolina, he resumes his "dots," from which we shall give an extract or two as giving an idea of the state of the railroads and difficulty of travelling in this region.

*May 23d.*—"As notified by the conductor of the trains on the Piedmont Road, I appeared at the dépôt to start for Greensboro', North Carolina, a little before one o'clock P.M. . . . The day was hot and sultry,—no sign of any train in readiness, or any conductor. Remained for two hours,—no sign of making ready to start. Another hour passes. A train is brought out, and seven hundred and fifty Yankee prisoners marched out to be put on it. All the cars filled with prisoners,—the tops of the cars filled. Another train brought out, and two hundred and fifty more Yankee prisoners marched out and put in. At the end of this train a passenger-car is attached, all the others and all the cars of the first train being box-cars. My conductor appears; apologizes for his delay,—had not control of the trains,—under Government officers; but we would get off in this last train in half an hour. Takes me to the car and gives me a good seat. Baggage put on. I walk out on the platform before the car leaves. A great number of wounded soldiers standing about trying to get passage home; some with bandages on the head, some with arms in slings, and some on crutches. In reply to their questions the conductor says they cannot go,—they must wait until to-morrow. Great murmuring in the crowd: 'They had been there two days waiting and without money.'—'No more care or thought is given to a wounded soldier than if he were a dog,'—such exclamations were common. I stepped up to one poor fellow who had his arm in a sling: 'Are you from the army?' 'Yes, sir.' 'What regiment?' 'Twenty-fifth Georgia.' 'What is your name?'

'Roberts.' 'At what place were you wounded?' 'I was wounded in the Wilderness, the first day's fight.' 'Can you tell me anything about the other wounded or killed in the regiment?' 'No, sir; I was wounded about the first of the action, and sent back to Orange Court-House.'

"I take my seat in the car,—the man with a gun at the door lets me in. On this quite a number of the wounded soldiers get in at the windows. Conductor comes and makes them get out,—they complain bitterly. Some one tells them, I suppose, that I was the Vice-President, for I hear some vociferous fellow say aloud, in a passion, 'I'll be d—d if I don't go; I am as good as the Vice-President!' Time rolls on,—the Yankee train rolls off. Half-past five comes,—the conductor tells the wounded about the car that as many as can fill the car may go,—that the worst cases should have preference. The car is soon full. Those outside look sad,—the conductor tells them that a train will leave at eight o'clock and take them all. This pacifies them. By the by, when I had seen the state of things, I had gone to see Major Morphet, who had come down in charge of the prisoners, whom I knew, and who had charge of the trains, and urged upon him to send the wounded soldiers forward as soon as possible. Among the loudest complaints they were making was one that the Yankees should be sent on before them. Some of them swore in their wrath that the Yankees ought to be killed; but instead of that they were cared more for than the men who had been wounded in defending their country. I was truly sorry for them. . . . Our train rolled off at last. We had forty-eight miles to go, and the conductor told me we should get there, or were due, at nine o'clock. But it was three when we got to Greensboro'. The water on the road had given out, and the hands had to haul it up with buckets at the creeks and branches. . . . Soon after starting, a soldier looking very weak and sick, and much emaciated, passed by me, looking for a seat. The conductor had given me a seat to myself, so I touched the soldier and told him to take a seat by me. He did so with a good deal of modesty as well as thankfulness. He evidently, from his manner, knew who I was. He seemed to be sick and not wounded. 'Do you belong to the army?' said I. 'Yes, sir,' he replied, looking steadily but timidly in my face, when for the first time I saw he was a mere boy. 'What regiment?' 'The Fifteenth Georgia.' 'What's your name?' 'Noel Monroe Humphrey. I live in Hancock County, but joined the Taliaferro company last winter. Don't you recollect the night that Ed. Johnson and all of us took supper at your house?—that's the time I joined. I was going on then. I got to the company and was taken sick,—was sent back to the hospital at Liberty, Virginia, where I have been ever since, until last week they furloughed me. I have been here three days trying to get on, but couldn't.' . . . The poor fellow looked very badly. I recollected all about his stopping at my house and taking supper. On my asking him if he had any money, he said he had not a cent. I asked him how he got along for something to eat. The only chance, he said, was at the wayside houses. I asked him



if he had had anything that day. Nothing since breakfast, as he had been waiting ever since twelve for the train to start. I asked him if he was not hungry; he said he was. I hauled out my basket and gave him as much as he wanted. Seeing others about looking anxiously on, I passed the basket round,—about half a dozen ate up what was laid in for our travelling lunch for some days. I was sorry I did not have enough for all. Among those who did get some, I noticed a sprightly-looking fourteen-year-old boy, who said he was from Marion County. . . .

“At Winsboro’ three ladies and a young gentleman got in,—the young gentleman of a pale, rather sallow, complexion. I was half asleep, but heard the young gentleman whisper, ‘The Vice-President is aboard.’ ‘Which is he?’ asks one of the ladies in a whisper;—‘that man there? that little man?’ ‘No, that one on the seat right behind you.’ ‘This little man?’ says she, in a very low voice. I heard no reply, but heard her utter a guttural sound that you are well acquainted with, but I know not how to write or spell. It was all guttural, and may be imagined from my expressing it as well as I can with the letters ‘*eh en*’—with the French sound of the *en*. I opened my eyes and thought she was laughing. I felt badly; not at my own bad looks, but at the great disappointment I had caused one of my constituents.”

Throughout the whole of these letters there are frequent allusions to his ill health and sufferings, but never in any tone of fretfulness or complaint. He is much more anxious about his brother’s health than his own.

June 23d.—(To R. M. J.) “My disease is constantly shifting. . . . Poor Tithonus! While I never did believe that story about him, Aurora. and the grasshopper, yet part of the fable is certainly applicable to me,—premature old age and infirmity. I am in very much the same condition. constitutionally, with our country. You ask me about that. In my opinion it is just as I am, on the decline. *Malus, pejor, pessimus*, applies to the state of public affairs as well as to myself. If either the country or I should have great length of days, from present indications, the fate of Tithonus will not be inapplicable in many respects. . . . I feel intense interest and anxiety about the condition of things in Virginia and Upper Georgia. If we can but hold our own for six months longer, I shall then indulge stronger hopes than I can possibly feel now. I think Johnston acts wisely in not hazarding his army in a fight, if this be his reason for falling back as he has done. Unless he has the prospect of doing the enemy a great injury by crippling and routing them, he should avoid an encounter of arms as long as possible. Temporary invasion is not conquest. The loss of property may be great, the devastation appalling; still, so long as our army is preserved the work of the enemy is unaccomplished. We may all be subjected to privations and sacrifices; these can be borne, not only for six months, but for years, if the right spirit is kept

alive with our people. This depends as much upon the policy of the Administration as anything else; indeed, I believe more."

When the following letter was written Sherman's advance had just been repulsed by Johnston at Kenesaw Mountain, but the Federal commander's great superiority in numbers enabled him to turn Johnston's flank and continue his march to Atlanta.

*June 28th.*—(To R. M. J.) "Without fail come by to see me. I have some old papers that I wish to hand you. Whether you or I live longer in the contingencies of war, they may be safer in your hands, or where you may put them, than they would be here. Should the enemy make incursions into the interior of our State (which I do not think improbable, whatever may be my hopes that they may not), this place would probably be in their line of march towards Augusta. In that case, of course, my house would be rifled. . . . I am still feeble, but better than when I wrote you last. I am confined pretty much to the house. It is too hot for me to go out: I cannot even drive to the plantation."

*August 29th.*—"This is Monday, the great day at Chicago. I feel a deep interest as well as anxiety to know what will be done there. Very great events depend upon it. I saw yesterday in the *Chronicle and Sentinel* Gilmer's account of his and Colonel Jaques's interview with President Davis and Mr. Benjamin. It is a curious paper. The whole interview was a curious affair: I hardly know what to make of it. If this paper was drawn up by Gilmer, it is a still more curious affair. It is really difficult to discern whether the paper as it stands is calculated or intended to do more damage to one party or side than to the other. How he should have presented our side so favorably, upon the whole, is strange to me. Only on one or two [points] has the paper failed to present us as strongly, in the main, as it could have done. One of them is when Davis went off upon the subject of majorities. The strength of our position on that point is that the old Government was not, nor is the present one, a government of majorities. It is a government of States—separate and defined—not merged in any sort of unlimited unity as a single community; and does not present a case for the will of the majority of a community to govern. This idea faintly appears, but is not presented strongly. It is not true, either, that two million slaves have been emancipated,—at least I think that admission is an exaggeration.

"Sometimes I think this paper *may* have been agreed upon,—that both parties, before separation, agreed upon the substance of the interview that should go to the country. This is a bare supposition; but the whole matter, in any view I can place it, is a strange affair. But every day passing events confirm me more and more in the opinion that Georgia started all these peace agitations, and particularly the idea of the Sovereignty of the States as the basis of peace. Dodd's speech is directly on the line laid

down in the Georgia Peace Resolutions. These Resolutions are as bread cast upon the waters."

*September 4th.*—"The Chicago Convention did not do as well as I hoped they would, and as I think they would have done if our authorities had backed the leading peace men there from the beginning, as they should have done. Still, I am not without hope that good will result from their action. The prospect for the early dawn of the day of peace is not so good as it would have been if an out-and-out peace man had been nominated on an out-and-out peace platform. Still, under the circumstances, it may be that many of the real advocates of peace on the basis of a separation of the States thought it best to pursue the course they have, which, in their judgment, will ultimately lead to the same result. I think they made a mistake. Still, they may be better informed as to the state of the popular mind at the North than I am. They may have thought it was hazarding too much to submit the naked question of separation to the people there now, and, moreover, it may be that while a large majority of that body would to-day be for separation rather than a continuation of the war, yet the same majority would greatly prefer a restoration of the Union with every fair and just guaranty to the South if such restoration can be effected. And it may be that they felt it a patriotic duty with these views to make the effort; while at the same time they are prepared, if the effort fails, to have peace even upon the basis of ultimate separation. This is my reading and understanding of their action, knowing as I do the sentiments of several men who would give that action their sanction. This idea, I think, is about this: we will first elect McClellan if possible, and in order to do this we will put ourselves upon the most plausible platform entirely consistent with the dictates of the highest patriotism working to a restoration of the Government in its pristine purity. If we elect McClellan on this platform, we will then do everything that can be done by the most patriotic efforts to effect such a restoration by negotiation, not by arms. If that fail, then we will take peace as the last alternative on the basis of separation. This is my rendering of their action. For their platform is out and out for a suspension of hostilities,—for opening negotiations,—and if they fail of restoring the Union, their platform stops them from a return to a coercive policy. So, upon the whole, if our authorities commit no blunders, all may yet be well. But who can count upon anything that depends upon the contingency that our authorities will commit no blunders?"

On the 14th of this month Mr. Stephens received a letter from some gentlemen of Georgia, desiring his views on the question whether it was not possible and expedient to begin some movement looking to the establishment of peace. His letter in reply, which was made public, attracted much attention, and gave occasion for much misrepresentation of Mr.

Stephens's views and position. In reference to the basis on which peace should be sought, he says in this letter:

"The Resolutions of the Georgia Legislature, at its last session, upon the subject of peace, in my judgment, embodied and set forth very clearly those principles upon which alone there can be permanent peace between the different sections of this extensive, once happy and prosperous, but now distracted country. The easy and perfect solution to all our present troubles, and those far more grievous ones which loom up in prospect and portentously threaten in the coming future, is nothing more than the simple recognition of the fundamental principle and truth upon which all American constitutional liberty is founded, and upon the maintenance of which alone it can be preserved; that is, the sovereignty—the ultimate, absolute sovereignty—of the States. This doctrine our Legislature announced to the people of the North and to the world. It is the only key-note to peace—permanent, lasting peace—consistent with the security of public liberty. The old Confederation was formed upon this principle. The old Union was afterwards formed upon this principle; and no union or league can ever be formed or maintained between any States. North or South, securing public liberty upon any other principle. The whole framework of American institutions, which in so short a time had won the admiration of the world, and to which we were indebted for such an unparalleled career of prosperity and happiness, was formed upon this principle. All our present troubles spring from a departure from this principle; from a violation of this essential, vital law of our political organism. In 1776 our ancestors and the ancestors of those who are waging this unholy crusade against us proclaimed the great and eternal truth, for the maintenance of which they jointly pledged their lives, their fortunes, and their sacred honor, that 'governments are instituted amongst men, deriving their just powers from the consent of the governed;' and that 'whenever any form of government becomes destructive of those ends [for which it was formed], it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, *as to them* shall seem most likely to effect their safety and happiness.'

"It is needless here to state that by 'people' and 'governed' in this annunciation is meant communities and bodies of men capable of organizing and maintaining government, not individual members of society. 'The consent of the governed' refers to the will of the mass of the community or State in its organized form, and expressed through its legitimate and properly-constituted organs. It was upon this principle the colonies stood justified before the world in effecting a separation from the mother-country. It was upon this principle that the original thirteen co-equal and co-sovereign States formed the Federal compact of the old Union in 1787. It is upon the same principle that the present co-equal and co-sovereign States of our Confederacy formed their new compact of union.

The idea that the old Union, or any union between any of the sovereign States, consistently with this fundamental truth, can be maintained by force, is preposterous. This war springs from an attempt to do this preposterous thing. Superior power may compel a union of some sort; but it would not be the Union of the old Constitution nor of our new; it would be that sort of union that results from despotism. The subjugation of the people of the South by the people of the North would necessarily involve the destruction of the Constitution and the overthrow of their liberties as well as ours. The men or party at the North, to whom you refer, who favor peace, must be brought to a full realization of this truth in all its bearings before their efforts will result in much practical good; for any peace growing out of a union of the States established by force will be as ruinous to them as to us."

After speaking with some hopefulness of the results which might possibly spring from the action of the Chicago Convention, and with approbation of the idea of a suspension of hostilities during which delegates from all the States might assemble to devise some plan of adjustment to be submitted to the several States for their ratification, he emphasizes the importance of a watchful guardianship of liberty, always in peril in times of war and revolution, and only to be maintained by a firm adherence to the principles upon which it was established. "The chief aid and encouragement we can give the peace party at the North, is to keep before them these great fundamental principles and truths which alone will lead them and us to a permanent and lasting peace, with the possession and enjoyment of constitutional liberty."

About this time General Sherman, who had taken Atlanta (September 2d), and was about to set out on that march across the State, in which, as he characteristically expressed it in his despatches, he was to "make Georgia howl,"\* and "make its inhabitants feel that war and individual ruin are synonymous terms," conceived the idea of having an interview with Mr. Stephens. In his published despatch to General Halleck, of September 15th, he says that he has sent "a hearty invitation" to that gentleman and to Governor Brown. This invitation was

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\* *Report on Conduct of the War. Supp. I.* (The reader is particularly referred to these remarkable despatches, in which both the text and the breaks in the text are alike instructive.)

verbal, and the cause of it was stated to be the truly noble and humane desire to devise some plan for terminating the war without further bloodshed. Mr. Stephens, however willing to concur in such an object, desired something more than a mere verbal message, as may be seen by his answer to General Sherman's intermediary :

"CRAWFORDVILLE, GEORGIA, October 1st, 1864.

"WM. KING, ESQ. :

"SIR,—I have considered the message you delivered me yesterday from General Sherman with all the seriousness and gravity due the importance of the subject. That message was a verbal invitation by him through you to me to visit him at Atlanta, to see if we could agree upon some plan of terminating this fratricidal war without the further effusion of blood. The object is one which addresses itself with peculiar interest and great force to every well-wisher of his country,—to every friend of humanity,—to every patriot,—to every one attached to the principles of self-government, established by our common ancestors. I need not assure you, therefore, that it is an object very dear to me,—there is no sacrifice I would not make, short of principle and honor, to obtain it, and no effort would I spare, under the same limitations, with reasonable or probable prospect of success.

"But, in the present instance, the entire absence of any power on my part to enter into such negotiations, and the like absence of any such power on his part, so far as appears from his message, necessarily precludes my acceptance of the invitation thus tendered. In communicating this to General Sherman, you may also say to him that if he is of opinion that there is any prospect of our agreeing upon terms of adjustment to be submitted to the action of our respective Governments, even though he has no power to act in advance in the premises, and will make this known to me in some formal and authoritative manner (being so desirous for peace himself, as you represent him to have expressed himself), I would most cheerfully and willingly, with the consent of our authorities, accede to his request thus manifested, and enter with all the earnestness of my nature upon the responsible and arduous task of restoring peace and harmony to the country, upon principles of honor, right, and justice to all parties. This does not seem to me to be at all impossible, if truth and reason should be permitted to have their full sway.

"Yours most respectfully,

"ALEXANDER H. STEPHENS."

*October 2d.*—(To R. M. J.) "I was very much pleased with Governor Brown's reply to the message of Sherman. As to the prospects of peace, they do not appear so hopeful to me as when I wrote to you last on the subject, soon after the Chicago nomination, and before McClellan's letter

of acceptance. That letter, I think, will greatly lessen his chances of election, and it also weakens any hopes of peace at an early day, even in case he should be elected. Still, I should prefer his election to that of Lincoln. He will, or would, of course, suspend hostilities and try negotiation. Efforts failing in that line, he would renew the war for the restoration of the Union and the old Constitution with all its guaranties. These include the perpetuation of slavery. Whenever the war assumes this attitude on the part of the North, England will no longer be silent. She will recognize us. France and other powers will join. With our recognition abroad, the moral power of the war at the North will be greatly crippled. Peace after awhile will follow. The position of England and France for the last two years is owing to their strong desire to have slavery exterminated. I believe Lincoln's emancipation policy was dictated by England. He was told if the war had no great object in view in aid of the progress of civilization and Christianity, such, for instance, as the abolition of slavery, as they viewed it, recognition would take place. Lincoln was compelled to issue his emancipation proclamation, or witness immediate foreign recognition after the battles of Richmond in 1862; and whenever the war is renewed, if that should be the case, with a view to continue the old Union, Constitution, and slavery, England will no longer regard it as a war for any high and noble purpose, but as a war for subjugation and havoc, and she will say it must be stopped."

*October 9th.*—(To Linton.) After referring to a published letter, in which the writer expressed his views that the people of the Confederacy were living "under a complete despotism, worse than Lincoln's," but that such a state of things was a necessary result of their position, Mr. Stephens remarks:

"This is the great mistake which has deluded thousands. Despotism is not necessary to put into active operation the maximum of military power of any nation or people. What nation in modern times has put forth greater military energy than Great Britain? My opinion is that our institutions, even freer in their organic law, are capable of calling forth and putting into exercise quite as great a maximum of military power as England, and without the sacrifice of a single constitutional right. All that is wanting are brains and integrity in properly administering and working the machinery of Government.

"This idea that any amendment to the Constitution is necessary before there can be called a convention of the States, is all wrong. The two Governments could give their assent to this form of adjustment, or initiation of adjustment, as well as any other. . . . My opinion is, that if such a convention should be called by the consent of both Governments, and it should be agreed in that body that the Sovereignty of each State separately should be recognized with all its legitimate and rightful consequences as

a basis of peace, there would, or ought to be, no difficulty on the part of either Government in ratifying these terms. The whole scheme would work easily and conformably to the Constitutions of both Governments. Each State at the ballot-box would decide—as she ought to be permitted to do—her own destiny.”

*October 15th.*—“I concur entirely with you in your views upon the subject of *good or bad faith* on the part of the several States in relation to their action in severing or not their connection with others, either during war or peace. The war makes no difference. The right ground on which to meet any proposition for a severance at this time is, not that it would be an act of bad faith, but an act highly injurious to the interest of any such State. The Confederation was formed for the mutual advantage and interest of all. Should any State at any time become satisfied that the war is not waged for purposes securing her best interests, future safety, and protection, she has a perfect right to withdraw, and would commit no breach of faith, either expressed or implied, in doing so.

“What I meant by both Governments giving their consent to a convention of the States, was, that such consent could be given without any violation of the Constitution. In this way the meeting of the States in convention could be *regularly*, rather than *constitutionally*, assembled. As under our Constitution the initiation of peace properly belongs to the Executive, it seems to me that to have all things done regularly and properly, should a Convention of the States be resorted to, the proposition should be made by one, and acceded to by the other Government. Each State in our Confederacy, and each in the old Union, has delegated the treaty-making power, and all powers relating to foreign intercourse, to the Federal Head; and if any State should be disposed to take control of the present issues of peace and war without the consent of the Federal Head, I am inclined to think that she would first have to resume her sovereign powers,—in other words, she would first have to secede. But with the consent of the Federal Head this would not be necessary,—the delegates to such convention would be but commissioners on the part of each Confederation, who might be appointed in this way as well as any other. At least they could be appointed in this way without any violation of the Constitution. Mr. Davis, in his speech at Columbia, says such a convention would be against the Constitution! I do not see how this is. Should McClellan be elected, this may, and perhaps will, become a great question: but if not, it will pass away, most probably, as a thousand other shadows of the day, without leaving any impression, and without indicating anything even to the most observing minds, except the real substance to which they owe their origin. Hence I said so little on the subject in my letter: that little was said barely for the purpose of making a favorable response to the Chicago movement, that it might have all the influence that anything coming from me could have. That, I know, would not be much. But I did think, and do think, if President Davis had said even as little



as I did on that general line, or favoring the idea to the extent I did, it would have had a telling effect at the North. He, however, has chosen to repel the offer at the threshold."

*October 18th.*—He is still annoyed by the misconstructions placed upon his letter of September 14th. (See *ante*.)

"Some seem to think that my purpose was to announce a plan for calling the States in convention to settle their own disputes without reference to either the Government at Washington or that at Richmond, but to throw them both off,—ignore them; and that my view was in this way to reconstruct the old Union! No such idea entered my head. I understood the Chicago platform simply to announce the purpose of that party, if successful in getting control of the Washington Government, to make this proposition through its properly-constituted channels to the like authorities on our side. It was not my object to moot or inquire into that other and graver question whether the States could or could not in good faith or otherwise meet in convention and settle the strife even despite their present Confederate authorities. This question was hinted at by Governor Brown in the concluding sentence of his letter to Sherman. But that question I did not intend by any word uttered by me to broach. It is a great and grave question, which may become an interesting one; but it is not presented in the Chicago platform nor in my favorable response to that platform."

On the 3d of December, Mr. Stephens went to Richmond to attend Congress, and on the 5th he writes to Linton, mentioning that he is suffering more than usual from his old affection of the kidneys. He adverts to the high price of lodgings in Richmond: where he is staying he pays thirty dollars (currency) a day for meals and room.

"Fuel, lights, and extras generally will be about thirty dollars per day more; so it will not take long to consume my salary."

*December 23d.*— . . . "I am satisfied that I can do no good here. Yesterday I got hold of Judge Taney's decision on the *Habeas Corpus* question in the case of John Merryman, in Baltimore, May, 1861. It is a great paper. I will try to have it republished in Georgia. It sets at nought the prevailing opinions here on the power of Congress over this great writ of right.

"I have strong inclinations to resign my position as Vice-President. I shall do nothing hastily or rashly, but I can never approve doctrines and principles which are likely to become fixed in this country. Judge Taney uses this language,—speaking of the President of the United States,—'He is not empowered to arrest any one charged with an offence against the United States, and whom he may from the evidence before him believe to

be guilty ; nor can he authorize any officer, civil or military, to exercise this power, for the Fifth Article of the Amendments to the Constitution expressly provides that no person shall be deprived of life, liberty, or property without due process of law,—that is, *judicial process*.’ This is very high authority for the position that warrants for arrest under the Constitution must be judicial warrants,—emanating from the Judicial Department of the Government and not the Executive. In another part of the decision he quotes another of the Amendments to the Constitution, and then says, ‘And these great and fundamental laws which Congress itself could not suspend have been disregarded.’ . . . The decision is ‘jam up’ to your resolutions ; and if you had had it before you, and had been drawing resolutions founded upon its principles, you could not have done it more exactly than you did in the Georgia Resolutions of last March.’

*December 24th.*—“You will see by a vote of the House taken in open session to-day, that the indications are strong that it is the intention of that body again to suspend the privilege of the writ of *habeas corpus*. . . . I went to the *Whig* office this morning and offered them two hundred and twenty dollars to republish Judge Taney’s decision. I could not get a positive answer whether they will do it or not. I offered their price. . . .

“If this bill passes in such form as it is most likely to pass, I do trust Governor Brown will issue his proclamation advising the justices of the inferior courts in the State to disregard it until the matter may be adjudicated by our own Supreme Court. If that court shall decide the act to be constitutional, I shall feel very little further interest in the result of the conflict. It will simply be a contest between dynasties,—a struggle between two powers,—not for rights or constitutional liberty, but for despotism.”

To those who urged that the loss of liberty should be, for a time, endured, for the sake of securing independence, and that Davis would be a better master than Lincoln, Mr. Stephens replied that without liberty independence was worthless. “I will never,” he said, “*choose* between masters. Death, rather than any master whatever.”

## CHAPTER XXXIX.

Difficulty with the Senate—Address before them—Change of Policy recommended—Sympathy for Prisoners—Resolutions—The Hampton Roads Conference—Exchange of Prisoners—Declines to speak at Richmond—Returns to Crawfordville—Letter about the Conference—Sherman's Advance—Lee's Surrender—Arrest of Mr. Stephens—Imprisonment in Fort Warren—Linton joins him—Prison Journal—Release—Life at Liberty Hall—Declines to be a Candidate for the United States Senatorship—Urgency of his Friends—His Election—Not allowed to take his Seat—Address to Georgia Legislature—Summoned before "Reconstruction Committee"—Philadelphia Convention—His Opinions of Seward, Stanton, and Grant—Undertakes a History of the War—Sufferings from Renal Calculus.

THE year 1865 opened more gloomily for the Confederate cause than any before. But while feeling all the gravity of the situation, Mr. Stephens did not despair. He still believed that by an entire change in the policy of the Administration the success of the cause might yet be secured.

Early in January, when the bill to suspend further the writ of *habeas corpus*, which had passed the House, came up for action in the Senate, the vote upon its passage was a tie. Mr. Stephens announced from the chair the result, and stated that it then became his duty to give the casting-vote; but before doing this, and thus deciding the question, he would take the occasion to give the reasons which influenced him. Hereupon the question of his right to deliver his opinion was raised, and discussed at some length, when a Senator arose and proposed to change his vote, so as to dissolve the tie and cut off the speech. Mr. Stephens, in the chair, decided that the Senator could not change his vote after the result had been announced by the presiding officer. From this an appeal was taken, which was sustained by the Senate, and the decision of the Chair overruled. This Mr. Stephens looked upon as a direct indignity. The Senate

immediately adjourned; and Mr. Stephens called Mr. Hunter to him, and notified him that he intended to resign at once, as he felt that he could no longer render any useful service to the country when the Senate, in violation of parliamentary rules, refused to allow him, the second officer of the Government, to state his views upon a matter which he thought of vital importance to the cause. He then left the Senate-chamber, intending never to re-enter it.

Mr. Hunter, however, urged him not to act hastily in the matter; and the next day he brought Mr. Stephens a resolution, unanimously passed by the Senate, requesting him to address them in secret session upon the situation of public affairs. Mr. Hunter assured him that the Senate was unanimous in desiring that he should not resign, and that they had not intended any personal or official indignity in not allowing him to speak the day before. To these earnest representations Mr. Stephens yielded, entered the Senate, and without resuming the chair addressed them from the floor in a speech of great length. As this was delivered in secret session it was not reported; but we extract the following account of its tenor and substance from Mr. Stephens's *Constitutional View of the War* (vol. ii. p. 587):

"The sum and substance of it was that our policy, both internally and externally, should be speedily and thoroughly changed. Conscription, impressments, suspension of the writ of *habeas corpus*, and all those measures which tended to dispirit our people in the great cause for which they were struggling, should be immediately abandoned. The resources of the country, both of men and subsistence, should be better husbanded than they had been. Proclamation should be made inviting back to the army all who had left it without leave; and all who were then subject to conscription to come in under leaders of their own. In this way I believed Price and Johnston, to say nothing of others, would in thirty days bring to their ranks more than the Conscript Bureau had, by compulsory process, brought from the beginning. Men who should so come would never desert, and might be relied on to fight when they did come.

"I reminded them of what they knew had been my opinion upon these subjects from the beginning; that the policy of holding posts or positions against besieging armies, as well as of engaging in pitched battles, should not be pursued. We could not match our opponents in numbers, and should not attempt to cope with them in direct physical power. War was a collision of forces; and in this, as in mechanics, the greater momentum must prevail. Momentum, however, was resolvable into two elements:

quantity of matter and velocity. The superior numbers—the quantity of matter in this instance—were on the other side; and to succeed in the end we must make up the other requisite element of momentum, not only by spirit, animation, and *morale* of our unequal numbers, but by their skilful movements, and by other resorts which were at our command. These consisted in the many advantages which an invaded people have over invaders. The policy of Johnston from Dalton to the Chattahoochee was the right one. To preserve the lives of our arms-bearing men was itself a matter of the utmost importance. Our supply of these was limited, while that of our opponents was inexhaustible. They could afford to lose any number of battles, with great losses of men, if they could thereby materially thin our ranks. In this way, by attrition alone, they would ultimately wear us out. The leading object should be to keep an army in the field, and to *keep the standard up* somewhere, wherever it could be done, without offering battle, except where the advantages were decidedly in our favor. If, in pursuing this course now, of retiring when necessary, instead of offering or accepting battle, as stated, our whole country should be penetrated, and should even be laid waste, as the Valley of Virginia and the smoking belt in Georgia had been by Sheridan and Sherman, these devastations would be borne by our people so long as their hearts were kept enlisted in the cause. On this line of internal policy our standard might even yet be kept up for at least a year or two longer,—perhaps for a period far beyond that; and in the mean time, by a change in our external policy toward the masses of the people at the North, a reaction might reasonably be expected to take place there. A financial revolution there might be certainly expected in less than two years. The depreciation of their currency had already reached a point which was quite alarming to capitalists. Greenbacks had already sold in New York at nearly three for one, in gold. When the crash did come, as soon it must, the effects would be, politically, as well as in other respects, tremendous. At that time they could not be properly conjectured; but when it did come, *then*, with a proper policy toward the million eight hundred thousand and more of the other side who had so recently and decidedly demonstrated their opposition to the Centralists in the late election, we might, through them,—thoroughly aroused to a sense of their own danger,—look for a peaceful adjustment upon a basis which would secure best both their liberties and ours. My opinion was that by pursuing this course we might in the end succeed in the cause for which we were struggling, without relying solely upon the sword.

“The policy thus stated necessarily involved the abandonment of a continued attempt to hold Richmond. This, however, I did not state in express terms in my speech to the Senate. I only left all to draw their inferences. To Mr. Davis alone I submitted the propriety and necessity of this course; for I knew if *he* could not first be brought to see it, it would be not only useless, but most probably exceedingly injurious, in the then

state of the public mind, to mention it to others. When the subject was mentioned to him, his reply in substance was, that the abandonment of Richmond would be a virtual abandonment of the cause."

This speech produced a great impression upon the Senate, and he was requested to submit his views in the form of resolutions, which he did. They were the following:

*Resolutions offered in the Confederate States House of Representatives,  
January, 1865.*

1. *Resolved*, That the independence of the Confederate States of America, based upon the constitutional compact between the Sovereign States composing the Confederacy, and maintained for nearly four years of gigantic war, justly claims from their former associates and from the world recognition as a rightful fact.

2. *Resolved*, That all the States which composed the late American Union, as well those embraced within the present United States as those embraced within the Southern Confederacy, are what the original thirteen States were declared to be by their common ancestors in 1776, and acknowledged to be by George the Third of England,—independent and sovereign States, not as one political community, but as States, each one of them constituting such a "People" as have the inalienable right to terminate any government of their former choice by withdrawing from it their consent, just as the original thirteen States, through their common agent acting for and in the name of each one of them, by the withdrawal of their consent put a rightful termination to the British Government which had been established over them with their perfect consent and free choice.

3. *Resolved*, That in the judgment of this Congress, the sovereignty of the individual and several States is the only basis upon which a permanent peace between States now at war with each other can be established, consistently with the preservation of constitutional liberty; and that the recognition of this principle will, if the voice of passion and war can once be hushed, and reason be allowed to resume her sway, lead to an easy and lasting solution of all matters of controversy involved in the present unnatural conflict, by simply leaving all the States free to form their political association with each other, not by force of arms, which excludes the idea of *consent*, but by a rational consideration of their respective interests growing out of their natural condition, resources, and situation.

4. *Resolved*, That as the very point of controversy in the present war is the settlement of the political associations of the several States, no treaty of peace can be perfected consistently with the sovereignty of the individual States without separate State action on the part of at least those States whose preferences may be justly regarded as doubtful, and have not yet been expressed through their appropriate organs; and therefore State

co-operation becomes not only appropriate but necessary in perfecting any articles of peace consistently with the principles of the sovereignty of the several States respectively.

5. *Resolved*, That we hail with gratification the just and sound sentiments manifested by a large portion of the people of the United States since the last session of this Congress, that all association of these American States ought to be voluntary and not forcible ; and we give a hearty response to their views and wishes for a suspension of the present conflict of arms, and an appeal to the forum of reason, to see if the matters in controversy cannot be properly and justly adjusted by amicable settlement, without the further effusion of blood.

6. *Resolved*, That being wedded to no particular or exclusive mode of initiating or inaugurating negotiations looking to a peaceful settlement and adjustment of the questions now in issue between the United States and the Confederate States, it is the judgment of this Congress that if it should be more agreeable to the Government and people of the United States, or even a large and respectable portion of them, that the questions should be submitted to the consideration of commissioners or delegates from each State, one or more, to be assembled in the character of a convention of all the States, than to plenipotentiaries appointed in the usual way (as lately manifested as aforesaid), then such a plan of inviting negotiations should be acceded to, or proposed by, the Confederate States. Such convention being acceded to, or proposed, only as an advisory body ; the commissioners or delegates to it being authorized by the treaty-making power of each Government respectively not to form any agreement or compact absolutely between the States, but simply to confer, consult, and to agree, if possible, upon some plan of peaceful adjustment to be submitted by them to their respective Governments. This mode of inaugurating negotiations, in the opinion of this Congress, would be relieved of all possible constitutional objections by the consent of the properly-constituted authorities of the two Governments. With such consent, the proposed delegates would but act, in any view of the subject, as commissioners appointed in any other way to negotiate for peace ; and whatever they might agree upon or propose would be subject to the approval or disapproval of the two Governments respectively, and subject also to the approval or disapproval of the particular States whose sovereign rights might be involved.

*And inasmuch as* the authorities at Washington have heretofore rejected all formal offers for a free interchange of views looking to negotiations made by our authorities, and as we deem it a high duty not only to our gallant citizen-soldiers but to the whole body of our people, as well as our duty to the cause of humanity, civilization, and Christianity, that Congress should omit or neglect no effort in their power to bring about negotiations, if possible,

Therefore be it further

7. *Resolved*, That the President of the Confederate States be informed

of these resolves, and that he be requested to grant permission to three persons, to be selected by the House of Representatives (members from each State voting in such selection by States, and a majority of all States being necessary to a choice in each case), to cross our lines, who shall immediately proceed to ask and obtain, if possible, an informal interview or conference with the authorities at Washington, or any person or persons who may be appointed to meet them, to see if any such plan of inaugurating negotiations for peace upon the basis above set forth can be agreed upon; and if not, to ascertain and report to the President and to Congress any other, or what terms, if any, of peaceful settlement may be proposed by the authorities at Washington. Should this effort fail, we shall have the consolation of knowing that we, in our high and responsible trusts, have done our duty. We shall have given assurance to our people that we have done all that we can do in our position and capacity to end the strife upon just and proper principles; and the rejection of this overture by the President of the United States will afford additional evidence to the people of those States that he is waging this unnatural war not for peace or the good of his country, but for purposes of the most unholy ambition; while it will demonstrate to our people that his object as to them is nothing short of their utter subjugation or extinction."

On the reading of these resolutions the Senate, as Mr. Stephens was informed, unanimously agreed to them, and they were to be passed in the House the next day, and come back to the Senate, where they would meet no opposition, the Senate having come entirely round to Mr. Stephens's policy.

A long letter to Linton, dated January 5th, gives an account of a visit he paid to a Mr. Bassford, of Atlanta, then confined in the Richmond jail, where he had been for eighteen months under a charge of murder. The visit was made at the prisoner's solicitation, who was anxious to have Mr. Stephens to defend him. According to his statement, the homicide was committed in defending himself from a murderous assault, and Mr. Stephens agreed to undertake his defence, "as a friend," if he was in Richmond when the case was tried. A very minute account is given of the jail, its interior arrangements, and the wretched condition of its inmates. The letter concludes:

"I was glad that I went to see the prisoner. Liberty,—the bare right of locomotion,—to walk out in the open air and enjoy the light of day,—what an inestimable blessing it is! How many millions enjoy and never think of its value! How many thousands daily walk the streets of Richmond by the numerous prisons in it, and never think of the unfortunate



beings who repine and often die in the cold dusky walls on which they direct not a glance nor bestow a thought! Whenever I see a head at an iron grate, my heart is interested in behalf of the sufferer; and I often speculate on the history, or tragedy it may be, of that life. Good-night. I dreamed of you last night. May I dream of you again to-night!"

We have before noticed Mr. Stephens's great sympathy for prisoners. He could not at this time have foreseen—though such a fate had often presented itself to his mind as a possibility—that in four months he would himself be the tenant of a prisoner's cell.

*January 6th.*— . . . "The feeling here is better than it was. The present indications are that the *habeas corpus* suspension will be abandoned, and several other follies as well as mischievous measures. I sent you a copy the other day of a rehash of your Resolutions" [the "Georgia Resolutions" of March, 1864] "which I did up for Atkins of the House to be offered by him to the Committee of Foreign Affairs, hoping to get their endorsement of them in a report to the House recommending their adoption. The Committee consisted of nine members: the vote stood four to four. The Chairman, Rives, cast the vote against them; but it is thought he will reconsider, and that they will pass the House.

"The Senate to-day held a meeting after adjournment,—Hunter in the chair,—and passed a resolution unanimously requesting me to address them on the present condition of the country. It was with closed doors. The whole took me by surprise; but I complied with the request and spoke to them two hours. I gave them my views very freely."

Then follows an account of the general tenor of the speech, which we have already given more in detail. He adds:

"I urged the importance of offering to the North negotiations on the basis of the Resolutions alluded to. I told them that we had ten friends at the North to one in any other part of the world. Our external policy should look to co-operation with these. By 'friends at the North,' I did not mean men who were in favor of disunion, or those who would even avow a willingness for our separation, but men who really had the same interests at stake in the contest that we have,—the preservation of State Rights and Constitutional liberty. This made them our natural allies; and we should pursue such a course of policy towards them as to bring their efforts in maintaining their own liberties to co-operate with us to maintain ours. We should let them know that, after the contest was over, we would then consider with them all questions looking to new union, and settle them upon rational considerations in view of reciprocal advantages and mutual convenience.

"The speech was delivered off-hand, without a moment's reflection, but it made, I think, a very decided impression. . . . Whether anything can be made of the concern, I do not know. I shall labor to the last and do all I can. I am not sanguine, but am not by any means depressed. I am prepared for anything, and have a spirit that I trust will prove equal to any crisis. With duty discharged with fidelity, I shall have a clear conscience, and feel content, let events take what direction, under Providence, they may."

Early in January, Mr. Francis P. Blair, Sr., visited Richmond and had several private interviews with President Davis. The result of these—if we may call it a result—was the Hampton Roads Conference, held on February 3d, between Messrs. Stephens, Hunter, and Campbell on the part of the Confederate authorities, and President Lincoln and Secretary Seward of the United States. The whole account of this interview is given so circumstantially by Mr. Stephens himself in his *Constitutional View of the War* (ii. pp. 589–622), that it is unnecessary to reproduce it here. Some of his own remarks upon this subject in conversation with Mr. Johnston, who visited him shortly after his return from Richmond on the 20th of February, may not be without interest.

MR. S.—"The objects of the mission to Fortress Monroe have not been understood by the people generally. It was to endeavor if possible to obtain an armistice. Blair had stated in Richmond that President Lincoln was very much pressed by the Radical party at home to employ the most extreme measures with what he termed 'the rebels': and that now, as the relations with France were becoming embarrassing, it would be a good time to make overtures to the United States Government on the basis of the 'Monroe doctrine.' I believed that, if Blair was sincere, much could be done by the exercise of prudence. When the President made known the matter to me, I urged him to keep it a profound secret, and to go himself to meet Lincoln. He expressed himself as decidedly opposed to that. I then advised him to send some one whose absence would not be especially noticed, and suggested Judge Campbell. The President maintained that the Commission must consist of more than one; so I suggested in addition Thomas S. Flournoy, who was then in Richmond, and General Benning, in which suggestion I thought he acquiesced. But the next day the President sent for me, and said that the Cabinet had agreed upon Campbell, Hunter, and myself. I found that the appointment was already generally known in Richmond. I was very reluctant to go, because I felt that the President did not fully sympathize with the real objects of that mission; but I concluded to go because of even a slight hope of doing some good.

“Lincoln and Seward, of course, would not agree to consider any terms of truce which did not recognize a return of the Southern States to the Union. I urged an armistice, allowing the States to adjust themselves as suited their interests. If it would be to their interests to reunite, they would do so; but that according to the principle of State rights and State sovereignty, they could not be compelled. Seward made the supposition that Louisiana, bordering as she does for a great distance on both sides of the Mississippi, the great outlet of the West, should secede. I answered that he took indeed an extreme case; but that if France would treat her better than the Union of which she was a member, she ought to secede.”

One of the guests asked if it was true that Mr. Lincoln told the anecdote of the turkey and the buzzard.

MR. S.—“No. But he said something that was quite characteristic. Allusion having been made to Charles I., of England, and his treating with men whom he called ‘rebels,’ Lincoln laughed and said we must talk with Seward about that matter; all he remembered about Charles was, that he lost his head.”

At the close of the conference, Mr. Stephens brought up a subject which had long rested on his mind,—that of the exchange of prisoners. The policy of non-exchange, persevered in by the Federal Government, despite all representations and propositions made by the South, kept the prisons on both sides crowded, and entailed fearful suffering and mortality on both Northern and Southern prisoners. It was believed that the responsibility for this cruelty rested, not with the President, but with his Secretary of War; and Mr. Lincoln showed no disposition to resist the appeal to his humanity, but referred the Commissioners to General Grant, whom he would authorize to act in the matter. On returning to City Point, the Commissioners had an interview with General Grant (whose manner and bearing impressed Mr. Stephens very favorably), which resulted, soon after, in a general exchange. At the interview with Mr. Lincoln, Mr. Stephens also made application for the special exchange of his nephew, Lieutenant Stephens, then a prisoner at Johnson’s Island, which was readily acceded to, and on Mr. Lincoln’s return the lieutenant was promptly released, on the condition that there should be exchanged for him “that officer of the same rank, imprisoned in Richmond, whose physical condition most urgently requires his release.”

After the failure of the Hampton Roads Conference, Mr. Davis addressed the citizens of Richmond in an eloquent speech, urging them to continued resistance. Mr. Stephens was also requested to address this meeting, but declined. "I could not," he says, "undertake to impress upon the minds of the people the idea that they could do what I believed to be impossible, or to inspire in them hopes which I did not believe could ever be realized."

In truth the day of hope had now gone by. Fort Fisher had fallen, closing the last port of the Confederacy to foreign trade. Sherman had commenced that march from Savannah, the atrocities of which culminated in the burning of Columbia with circumstances of such cruelty that even the little-scrupulous Congressional Committee thought it prudent to suppress the despatches.

Mr. Stephens left Richmond on the 7th of February, and reached Crawfordville on the 20th, having been detained by sickness on the way. On the 17th of March he writes a long letter to R. M. J., giving some details of the Hampton Roads Conference, on which he remarks :

"I have, from the first, not been without some suspicion that the whole arrangement with Blair was planned with a view to stop and forestall, just as it did, the action of Congress on the line (indicated by my resolutions) they were about to adopt. This would have been done in ten days, or perhaps sooner, but for the *denouement* of the Blair affair. What Congress most probably would have done is this: they would have passed the resolutions submitted, and would have appointed Commissioners to seek an informal conference with the authorities at Washington, to ascertain upon what terms peace could be obtained; and would have been instructed to propose a convention of all the States as a mode of initiating negotiations. This would not have been done under any expectation that Lincoln would agree to it; but to show to the people of the North and the world the fairness of our course, and to make allies at the North of all friends of constitutional liberty there. It was to be the first step in the change of our foreign policy in the conduct of the war. It was to unite our people and divide the North; and was to be followed up by a like change of policy in this. Hereafter the question of the future relations of the States toward each other was to be left for adjustment among themselves, when the great principle of the sovereignty—ultimate, absolute sovereignty—of each was first acknowledged. If it should be first settled by the friends of constitutional liberty, North and South, that there is no rightful power

in the central Government to coerce a State; with this principle once acknowledged and settled as the basis of American institutions, then all other questions as to the relations of the States among themselves were to be left for time and reason to adjust upon the principle of 'reciprocal advantages and mutual convenience.' This was my programme for continuing the war on this line. On no other did I see much chance of success; and on no other did I see much good to be obtained even by success. For independence without liberty had no attractions for me; and I see no prospect of liberty except upon the acknowledged principle of the rights and sovereignty of the separate States, North or South."

On the 20th of April he writes to Linton:

... "I hear the enemy have possession of Macon and are moving on Augusta. These reports will keep me from going over to Sparta this week. While I do not know that I shall attempt to get out of their way if they do pass through here, I do not feel disposed to get voluntarily *in* their way. I wish you would come over here and let us stand or fall together. I have positive information that General Lee's army surrendered on the 10th inst. Johnston must soon do the same. Organized war is, or soon will be, over with us. If I knew when a letter from me to Governor Brown would reach him, I would write him advising him to convene the Legislature and recommend the call of another State convention to consider our present condition and provide for the future. Almost anything is better than guerilla warfare."

On the 11th of May, Mr. Stephens was arrested at his house by Captain Saint of the Federal army, acting under orders from Major-General Upton, and conveyed under guard to Atlanta, where he was placed in charge of Colonel Pritchard, who had then in his custody Mr. Davis and those captured with him. At Hampton Roads orders were received for Mr. Stephens to be sent to Fort Warren, in Boston harbor, where he arrived May 25th. At first his confinement was rigorous, and the dampness and closeness of the room partly underground in which he was placed had a serious effect upon his health; but he was afterwards removed to more comfortable quarters, and allowed the freedom of the grounds. Books, newspapers, and writing materials were allowed him. On the whole, he was treated with as much humanity as circumstances permitted, and received much kindness from many citizens of Boston, which he gratefully remembers to this day.

As soon as Linton could get permission to share his brother's

confinement he went to him, and remained with him until he was released on parole on the 12th of October.

During his confinement Mr. Stephens kept a journal. Believing that he would not survive his imprisonment, he wrote this, as he says in the preface, chiefly in order that his brother and his friend might, after his death, know his thoughts and feelings at this time, and thus have a complete knowledge of that life which up to that time had been always open to them. After his return he allowed them to read this journal,—a remarkable record of the sufferings of a keenly sensitive spirit. It is not, however, only a chronicle of suffering. He devoted much of his time to reading and meditation; and much of this journal is taken up with criticisms and reflections on books, men, and events, and commentaries on passages of Scripture. Among classical authors he gave particular study to Cicero, whose genius and eloquence he greatly admired.

The first time Mr. Johnston saw Mr. Stephens after his imprisonment it was at his house in Hancock. It was a beautiful October morning. Mr. Stephens had never been at all gray, and his fine chestnut hair had kept all its gloss and freshness; but now his head was almost white. Otherwise there was but little change in his appearance. The journal was produced, and he expressed his intention to destroy it after it had been read by the two for whom it was written. He was urged not to do this, but to preserve it; and he so far yielded as to consent to retain it for a time at least. It is still in existence; and perhaps at some future day may be allowed to see the light.

Probably not a man in the South more readily adapted himself to the changed relations and new condition of affairs than Mr. Stephens, and his home-life scarcely underwent a change. His advice was always freely given to his neighbors or fellow-citizens in the various difficulties and emergencies that continually arose. During his absence Harry and his family remained at Liberty Hall, and took care of everything with the fidelity which had always characterized him. The only alteration in his domestic arrangements was in the management of his plantation. This, before the war, was not looked to as a source of revenue beyond supplying the wants of the inmates at the Hall.

The surplus was expended on the improvement of the place and presents to servants. Since the war he has divided it into a number of small farms, which he rents to his former slaves, and thus obtains a small income from it. Harry and his family still remained at the house, attending to their former duties. Old "Aunt Mat" and her husband, "Uncle Dick," both superannuated, remained with him as long as they lived. There was the same simplicity as before in everything, and the same freedom from constraint which induced him to give his home the name it bears. "Why do you call it Liberty Hall?" asked a friend of him one day. "Because I do as I please, and all my guests are expected to do the same."

On the meeting of the Legislature of his State, under President Johnson's proclamation, his name was at once brought forward as the most suitable candidate for the United States Senatorship; and a letter inquiring if he would accept the nomination, and inviting him to address the Legislature on the state of the country, was written him by several members of that body. We quote his reply and the correspondence that followed, as they are of a tenor somewhat unusual under similar circumstances:

"MILLEDGEVILLE, GEORGIA, January 22d, 1866.

"MESSRS. J. F. JOHNSON, CHARLES H. SMITH, *and others* :

"GENTLEMEN,—Your note of invitation to me to address the General Assembly on the state of the country, and assuring me that it is the almost universal desire of the members that I should do so, if consistent with my feelings, etc., was received two days ago. I have considered it maturely; and be assured, if I saw any good that could be accomplished by my complying with your request, I would cheerfully yield any personal reluctance to so general a wish of the members of the General Assembly thus manifested. But as it is, seeing no prospect of effecting any good by such an address, you and your associates will, I trust, excuse me in declining. My reasons need not be stated; they will readily suggest themselves to your own minds upon reflection.

"In reference to the subject of the election of United States Senators, which is now before you, allow me to avail myself of this occasion to say to you, and through you to all the members of the General Assembly, that I cannot give my consent to the use of my name in that connection. This inhibition of such use of it is explicit and emphatic. I wish it so understood by all. As willingly as I would yield my own contrary inclinations to what I am assured is the general and unanimous wish of the Legislature

in this respect, if I saw any prospect of my being able, by thus yielding, to render any essential service to the people of Georgia; and as earnestly desirous as I am for a speedy restoration of civil law, perfect peace, harmony, and prosperity throughout the whole country, yet, under existing circumstances, I do not see any prospect of the availability of my services to these ends in any public position. Moreover, so far as I am personally concerned, I do not think it proper or politic that the election should be postponed with any view to a probable change of present circumstances or a probable change of my position on the subject; and I do trust that no member will give even a complimentary vote to me in the election.

"Yours truly, ALEXANDER H. STEPHENS."

This brought another application in the following form:

"MILLEDGEVILLE, January 29th, 1866.

"HON. A. H. STEPHENS:

"ESTEEMED SIR,—We have read with deep regret your letter to the Legislature, withholding the use of your name in connection with the Senatorial canvass; but while we grant to you the right of *refusing* a candidature for a seat in the United States Senate, yet at the same time we claim to have also the right to *bestow* upon you *this trust*, involving, as it does, important considerations. We feel, sir, that a vast majority of the people of the State are looking to you as the man for the crisis. As the representatives of that constituency, desirous to carry out this manifest demonstration of the public will, we now ask, will you serve if elected?

|                    |                   |
|--------------------|-------------------|
| "H. R. CASEY,      | P. B. BEDFORD.    |
| "WM. GIBSON,       | O. L. SMITH,      |
| "CLAIBORNE SNEAD,  | GEO. S. OWENS,    |
| "JAMES M. RUSSELL, | J. A. W. JOHNSON, |
| "JESSE A. GLENN,   | P. J. STROZER,    |
| "JOHN O. GARTRELL, | B. A. THORNTON."  |
| "BEN. B. MOORE,    |                   |

"MILLEDGEVILLE, GEORGIA, January 29th, 1866.

"MESSRS. H. R. CASEY, WILLIAM GIBSON, and others:

"The right claimed by you in your note to me, of this date, I do not wish to be understood as at all calling in question.

"In reply to your interrogatory, I can only say that I cannot imagine any probable case in which I would *refuse* to serve, to the best of my ability, the people of Georgia in any position which might be assigned to me by them or their representatives, whether assigned with or without my consent.

Yours truly,

ALEXANDER H. STEPHENS."

The result was that he was elected for the long term, the



Hon. H. V. Johnson being his colleague; but was not allowed to take his seat by those who rejected the Executive plan of *restoration*, and were determined to carry out one of their own for *reconstruction* of the Union.

On the 22d of February, in compliance with the request of the Legislature, Mr. Stephens addressed that body and a large audience in the Capitol at Milledgeville on the state of the country. This speech, one of the most important of his life, we give at length.\*

On the 16th of April he was summoned before the "Reconstruction Committee" of Congress to testify in regard to the existing state of affairs in the South, and the disposition of the people. His evidence, which was published in full,† showed the anxiety of that people for the restoration of order and just government, their desire to return to the Union on equal terms, and their disposition to abide in good faith by the results of the war. With reference to himself, he said :

"My convictions on the original abstract question" [as to the reserved rights of the States] "have undergone no change; but I accept the issues of the war and the result as a practical settlement of the question."

Or, as he has elsewhere expressed it :

"The cause which was lost by the surrender of the Confederates was only the maintenance of this principle" [that of a Federation of Sovereign States] "by arms. It was not the principle itself that they abandoned. They only abandoned their attempt to maintain it by physical force."

Speaking of some of the prominent men of the time, he said :

"Nobody is more misunderstood than Seward. He is frequently spoken of as a leader of public opinion; but it is a great mistake,—it leads him. He is always quick to see its drift, and when he does, he instantly follows, and seems to lead, like boys at a military procession, who seem to lead the march by following in front of the music."

Of President Johnson he said :

... "Johnson prefers to do things indirectly. He looks one way and rows another. It is difficult to understand him fully; but I think he really desires to see the South restored to all its rights. As for Stanton, he is a monster of evil. It is strange the influence he has to keep himself

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\* See Appendix C.

† See Appendix D.

in the Cabinet. In the case of Mrs. Surratt his conduct was sickening to humanity."

Being asked if he still retained his high opinion of General Grant, he answered :

"I do. He is an unsophisticated, honest, and, I think, as yet unambitious man. There is a great deal of development for Grant yet. He is young, and will yet have a more important destiny than he has had thus far. I do not doubt that he is a patriot. The Radicals pretend to claim him; but they know that he is not with them. He says little about politics, but what he does say is to the point. For instance, one day when I called to see him, he was speaking about the Radical policy, and said, 'The true policy should be to make friends of enemies. The policy of the present majority is to make enemies of friends.' One of the party asked him if it was true that he had been fined for fast driving on the street. He answered, 'Yes, I was. I expect the next thing will be that they will take me before the Freedmen's Bureau.'"

Mr. Stephens being excluded from participation in public affairs, and too much of an invalid to resume active practice at the bar, now for the first time thought of turning to literary work. While in Philadelphia a publisher suggested to him the preparation of a history of the war, and the idea struck him not unfavorably. In a visit which R. M. J. paid him in December, he referred to it, and seemed almost determined to undertake it. It was to be finished within a year, and he thought he would adopt the form of dialogue, as the most animated.

The evenings of this visit were mostly spent in alternate readings from Cicero's *Tusculan Disputations*. On reaching the second book, and the proposition "Pain is no evil," Mr. Stephens remarked, "If a calculus had been in any of their kidneys, they would have thought it as bad as I do." And the reading had not gone very far before we arrived at the defalcation of Demetrius to the Stoic doctrine, on account of a disorder of his kidneys; at which our host laughed in great triumph at this verification of his judgment.

The following year, 1867, opened with many trials for Mr. Stephens. His health was worse; and his sufferings from neuralgia, and his old enemy, renal calculus, were at times

extreme. He was deeply grieved by the death of his two old servants and pensionaries, Mat and Dick; and alludes to it with great feeling in most of his letters about this time. The "reconstruction" policy of Congress filled him with gloomy forebodings.

"We are now," he writes, "just entering that dark region in our future, that impenetrable cloud in our destiny, embracing what I have so often spoken of to you as the '*pessimus*' point in our affairs, to which we have been tending for many years. From the hideous outlines of the portentous prospect the soul instinctively recoils as from the visage of death. Our political doom is sealed: the great and dreaded night has come upon us. My soul is in anguish at the death of American constitutional liberty!"

He sought refuge from these gloomy thoughts in the preparation of his history of the war, on which he worked as assiduously as his health would allow. Had his health and political status permitted, he would have had his hands full of business in the Federal courts, in which a plentiful crop of litigation sprang up from the suits instituted by creditors of the North, especially in the "cotton cases." In one or two of these Mr. Stephens, though he could not plead before the court, was retained as advisory counsel, with Mr. Toombs, who was equally incapacitated.

By December the manuscript of the first volume of his history was ready for the press, and he went on to Philadelphia. His friend, Mr. Johnston, had by this time removed to the vicinity of Baltimore, and Mr. Stephens arranged to stay at his house while the work was passing through the press, and there correct the proofs.

## CHAPTER XL.

Publication of First Volume of his History of the War—An Accident—Attacks upon him—The Southern Review—Replies—Elected Professor in University of Georgia—Declines—Opinion of the Linton Correspondence—Attacked with Inflammatory Rheumatism—Proposes Final Retirement from Public Life—A Severe Trial—History finished—Another begun—Law Students—Connection with the Western Atlantic Railway—Judge Stephens arrested, but no Bill found—Letter to his Students—Opinion of President Grant—The Atlanta *Sun*.

MR. STEPHENS spent the winter of 1867-68 and a part of the following spring in Philadelphia, superintending the publication of his *Constitutional History of the War*. He suffered severely from the consequences of a fall upon the ice, and was under a physician's hands a great part of the time. Early in April he returned to Crawfordville.

After the appearance of the first volume of his *History*, articles appeared in some Southern publications attacking the author on various grounds, but especially on account of what some imagined to be his views upon the subject of the ratification of the Constitutional Amendment of Congress by the Radical Legislature of Georgia. He thus alludes to these articles in a letter :

*August 3d.*—(To R. M. J.) . . . "The truth is, there seems to be a great covert spite against me by a certain class of our politicians. This is shown in a striking manner by several of their papers throughout the South in starting and propagating slanders against me. . . . They were all equally groundless and false; or at least they had this ground and this only to rest upon: I had expressed the opinion in Atlanta that it would be best for the State and for the whole country that the *Radicals* in the Legislature should adopt the Constitutional Amendment. I advised no Democrat to vote for it. On the contrary, I urged all I saw and talked with—and they were few—to vote *against* it. I said that if I were in the place of any one of them, I would not vote for it. That would be endorsing what I thought utterly unconstitutional. But if my not voting against it would permit the Radicals to pass it, I would not vote on the question.

To defeat it at this step of the question could do us no possible good that I could see, but might do us harm. It would continue us under military rule, and would put it out of our power to aid in electing Seymour, which we might do if the election was left to the people and our counsels prevailed in the canvass.

"Enough States had already adopted it to make it part of the Constitution in case it should be held to be valid. Georgia's action therefore would not affect that question. The great and vital question now was to elect the Democratic nominees. If they carried the country, this Constitutional Amendment would be held to be a nullity. Its passage, therefore, by the Radicals in our State could not possibly do us any practical harm, and its adoption by them would not only remove us from under military government, but enable us, if we were wise, materially to aid, by nine electoral votes, to bring those into power who would hold it, as we did, null and void from the beginning.

"Divers other reasons I gave why statesmanship should be directed to the policy of letting the Radicals pass it. One was that if the Radical nominees were elected to the offices of President and Vice-President, we could not expect to get a better State Constitution than that which we now have. Under it all whites, as well as blacks, are entitled to vote. If this Constitution should be rejected, another, disfranchising a large class of whites, as in Tennessee and Alabama, might be put upon us. While this would be no reason for me to vote for what I believed to be unconstitutional, yet it would be a reason why I should not vote at all."

In the *Southern Review* for October of this year there appeared an article from the pen of the senior editor, Dr. A. T. Bledsoe, criticising with much asperity and some personal feeling the first volume of Mr. Stephens's History. In reference to this, Mr. Stephens writes:

October 11th.—(To R. M. J.) . . . "It is my intention to reply, under my own name, to Dr. Bledsoe's tirade against the *Constitutional View*; or rather his attack on me under guise of reviewing the book. While the occasion and provocation might justify considerable passion, yet he shall see that I can and will show up his outrages on me with as much *cold-bloodedness* as that with which I have exhibited the enormous and infamous wrongs of those who wielded the Federal authority in the subjugation of the Southern States. As my object in the former case was not to disgust the world with my own passions, however deep and intense, but to present truth in such a light as to arouse the just indignation of all candid and unprejudiced minds by such a wanton violation of justice and right as the war was, so will it be in the other. My vindication against Dr. Bledsoe's assertions and misrepresentations shall be as full and complete as the vindication of our cause in the *Constitutional View* is against

all the malign assaults of our enemies; and it shall be equally temperate in manner and expression."

In his reference to "cold-bloodedness," Mr. Stephens alludes to a passage in which the reviewer had referred contemptuously to the unimpassioned style in which the historian discussed the great questions involved. His reply to the article in the *Review* was published in the *Baltimore Statesman*, and evoked a rejoinder from the reviewer. These papers, with replies to other critics, were afterwards published by Mr. Stephens in a volume entitled *The Reviewers Reviewed*.

Toward the close of the year Mr. Stephens was elected Professor of Political Science and History in the University of Georgia, which had previously conferred on him the degree of Doctor of Laws. In reference to this and the previous subject he writes:

*December 28th.*—(To R. M. J.) . . . "I expect to go to Athens to-morrow to look into matters touching the Professorship before deciding on my acceptance of it. . . . I don't intend to notice Dr. Bledsoe's 'Rejoinder,' so called. I laid it aside on first perusal to take it up afterwards in order to see if there was really anything in it that would justify a notice from me. On a careful examination I can see nothing of the kind. His position in asserting that there is an inconsistency between the speech and the book, on the question of secession, is astonishing to me."

He was, however, compelled to decline the Professorship by a severe attack of rheumatism early in 1869, from the effects of which he suffered for years.

The year 1869 found Mr. Stephens in worse health than ever. On January 5th he thus wrote to R. M. J.:

"I have been very badly off lately, and am now hardly able to sit up. . . . I shall not accept the Professorship. I am not now able to walk, except to hobble about the house. Pain in the knee. I cannot assume the duties of the chair in the University. Moreover, I could not live upon the salary."

At Mr. Johnston's request, Mr. Stephens had obtained all that could be procured of his correspondence with Linton, for the biography for which Mr. J. was collecting material. In January of this year he received a considerable package of these letters accompanied by a note, in which they are thus alluded to:

"I glanced over the last cursorily, and I came to the conclusion that my character was more completely embodied in them than any personal likeness was ever set forth by daguerreotype or photograph. They expressed the most secret thoughts of my heart without reserve upon many questions, public and private. . . . I was almost amazed at finding that I had said so little that I would now wish unsaid, or would even wish to see modified in any way. What I said of Judge Story I would not modify in the slightest degree; and yet when I wrote these letters I had never read that portion of his *Commentaries upon the Constitution of the United States* which treats of our early history, and which I so thoroughly review in my work. At that time, too, I did not think very well of Mr. Jefferson. I never understood his character until I read his life by Randall many years afterwards. It was not published, I think, until 1858 or 1859. . . . This is all the explanation I have to make about anything you may see in these letters.

" . . . I have formally declined the Professorship, at least for the present. I had a very severe attack of my old disease two days ago, and am now barely able to be up."

Mr. Stephens had just recovered strength enough to be about a little, when he was again prostrated by an attack of acute inflammatory rheumatism, aggravated by an accident, in which the sciatic nerve was seriously injured. From this attack he suffered excruciating pain, and was rendered helpless. Its effects kept him confined to the house for four years.

On March 12th he writes:

"I am still almost helpless. I cannot move the body without assistance. This I write propped up with pillows. I fear it will be a long time before I get on foot again, if I ever do. I am weak, and grow weaker, it seems, every day, and have no lessening of the pain. You ask if I feel lonely. No, I do not. I read a little every day, and scribble a little too. . . . The delay of my work worries me a great deal. But I have made up my mind not to be worried with it. I have directed all the MS. to be burned, except a small part, in case I should not be able to finish it. The part excepted is the chapter on the Hampton Roads Conference."

*March 16th.*— . . . "As for myself I am so-so; and every day increases my apprehension that I am to be an invalid the rest of my life. I mean that I am to be a cripple, and never to be on foot as of yore. An invalid I have been all my days. With assistance, I can get out of bed and sit up in a chair supported by pillows, and can move from chair to chair in the room. But I see no prospect of being able to walk again soon. I can do nothing on the *History* in this condition."

Notwithstanding his illness, he worked vigorously upon his

second volume whenever he was able to dictate to an amanuensis. On June 22d he writes :

“I am barely able to be up: cannot walk or stand without assistance of some sort. I am at work, however, part of most of the days. Some days I can do nothing.”

And thus in great physical weakness and suffering, but devoting every hour of comparative ease to his duties, or to the task he had set himself of showing the world what the cause of the Southern States really was, he passed the remainder of this year.

In the summer of this year Mr. Johnston spent several days with Mr. Stephens. Though still confined to his house, and apprehending that he should never be able to leave it again, he had never seemed more serene. The first volume of his book had had a large sale, and this gratified him, as well as the encomiums it deservedly received. Perhaps never has the history of a great struggle, both political and military, been written by one of its leaders with equal candor and impartiality. By the mouths of his interlocutors he has stated the case of his opponents in the language of their ablest men; he never condescends to passion, declamation, or subterfuge, but builds an unanswerable argument upon the solid ground of fact and history. While candidly admitting certain errors that, in his opinion, the South committed, he proves incontestably that her cause was the cause of justice and of right; and whether the last emergency did or did not make the appeal to the sword necessary, she can never be justly accused of a want of patience and forbearance in the previous years.

Mr. Stephens at this time seemed to feel that all public and out-door work was over for him, and he not merely resignedly, but even cheerfully contemplated the prospect of absolute retirement for the rest of his life. This retirement, however, was not to be inactive. Although his income more than sufficed for his personal needs, yet his lavish contributions for charitable purposes, and the expense of keeping an open house for all, whether friends or strangers, who claimed his hospitality, made it necessary for him to work as long as work was possible.



Encouraged by the success of his first book, he had thoughts of devoting himself to literary labor. Far from being dispirited by the prospect of a life-long confinement, he was surprised to find himself so free from the desire to return to the active life of the world and mingle again in society.

On a single occasion this serenity was interrupted. There was one subject on which he had never hitherto spoken to his friend and guest, although on all others he opened his heart to him without reserve. In the course of intimate conversation reference was made to the strangely sorrowful, even despairing tone in which, in many of his letters to his brother, he had spoken of his inner life, and especially that in which the word "revenge" is used; and his friend intimated that he must have had some trials more painful than any that had been made known, to justify such poignant and hopeless anguish. Gradually his friend drew from him the admission—confirming his own suspicion—that his greatest griefs had grown out of the peculiar circumstances which, as he conceived, forbade his ever marrying. He was by nature ardent in the admiration and love of woman; and we have seen how, in the miserable time at Madison, he had conceived a strong attachment to one of his pupils, a girl of great beauty. But his poverty and feeble constitution made him shrink from any avowal, or even intimation of his feelings; and, as has been told, he left that village to return no more. He looked upon the circumstances we have indicated, and his anticipation of an early death, as debarring him from all thoughts or hopes of marriage. It so happened that his eminent talents and his rapid attainment of distinction and prosperity threw him into the society of the leading families of the Northern Circuit; and several opportunities for a suitable marriage were presented to him, but he adhered to his determination to lead a single life. Years later, when he had long been a distinguished member of Congress, in spite of all his resolution, he grew deeply interested in a lady of uncommon loveliness both of character and person, who, he had reason to believe, entertained a reciprocal feeling toward himself; but apprehending that even if she should consent to share his life, he might soon become an invalid to be nursed, rather than a husband to

be looked to for support, he forbore the expression of his love, and adhered to his resolution. It was during his struggle between this passion and his resolve that he wrote the letter referred to. His friend still urging that the causes named were scarcely of weight to render so great a sacrifice imperative, he answered with a single word—"Pride!"

And thus, by a perhaps exaggerated sensitiveness, his affectionate nature denied itself the very solace and companionship which it most craved, and his baffled longings at times turned upon him and rent him. Even his beloved brother, who filled so large a space in his heart, had never known that heart's saddest mystery until after the receipt of that letter which he could not quite understand.

By the first of the new year, 1870, Mr. Stephens had finished the greater part of the second volume of his *History*, in spite not only of his frequent attacks of sickness and of pain, but also of the interruption occasioned by a continual flow of visitors to Liberty Hall. On January 23d he writes to R. M. J.:

"I have been very much annoyed by company. Two or three strangers have been here all the time visiting: I should say, however, that only one of them was an absolute stranger."

This stranger, he goes on to explain, had come on an errand of benevolence. He was a physician, who believed that by a particular mode of treatment he could relieve Mr. Stephens of the ill effects of his accident, and had come a great distance to ask to be allowed to try it. "To gratify him," as he writes, Mr. Stephens consented to undergo the treatment, but not with the results promised.

"It has done me no good. Indeed, I am worse off than I was before, and have quit it. This is the present situation. I am at this time right badly off, but hope to be better soon."

*February 26th.*—More company, and among the rest a correspondent of the New York *Herald*.

"I feel exceedingly annoyed by this visit. I told him I did not wish him to make me an object of his correspondence, and how much I was annoyed by such things. I was almost rude to him in the positiveness with which I expressed myself on that subject. What he will do I cannot say, for there

is no telling what this class of men will do. . . . P.S.—I forgot to tell you my old dog Troup is dead. He died the night before my attack, worn out with old age."

*April 11th.*—"I have just time enough to say before the mail closes, and just strength enough also to say, that the book is done. The last sheets went off by express this morning. . . . I have been in a bad way lately, and could do nothing: hence the delay. What the papers said about my health was all utterly false. When they said I was better I was greatly worse."

After completing the second volume of his *History*, Mr. Stephens was requested by some gentlemen who were preparing a School History of the United States to look over the manuscript, and suggest such changes as he thought advisable. The result was that he determined to write such a history himself,—an undertaking which took more time than he had expected. In September he writes:

"You ask me what I expect to do when I get through with the *School History*. Well, I do not exactly know. If in life, I shall do what my hands may find to do at that time. I cannot be idle. I am compelled to do something in some department of labor for a support while I remain here; and I prefer that sort of work which, in my opinion, will be most useful to mankind, while it yields a comfortable living."

*October 10th.*—"I have another little matter on hand,—a little matter of recreation. I have five law-students in my office, to whom I devote about one hour every evening when I am able. . . . I make no charge against them for instruction or use of books. I do what I can for them by way of recreation from my own labors, and they agree to reimburse me hereafter for their board. . . . The order of the day is close application to books and work during the morning, recitation and conversation during the afternoon, and whist at night. I cannot use my eyes in reading or writing by candle- or gas-light, so we have a whist-party every night."

In the early part of the year 1871, Mr. Stephens, who was still confined to his house by the results of his late attack, was surprised to find himself the subject of censure in some quarters on account of his connection with the Western Atlantic Railway, commonly called the State Road, as it was the property of the State of Georgia. The management of this road during the period in which the State endured the system of organized outrage called "reconstruction" had been of a kind quite in keeping with the other administrative measures, and with such results as to make the need of prompt reform highly urgent. In

accordance with the almost unanimous wish of the Democratic party, a bill had been passed in the last Legislature authorizing the lease of the road, upon sufficient guarantees, for a sum not less than twenty-five thousand dollars per month. A statement appeared in the papers that Governor Brown proposed to organize a company to bid for the lease; and seeing this, Mr. Stephens wrote to the Governor that he would like to be one of this company, and would take an interest "to the extent of his property, which, over and above all liabilities, he thought was ten thousand dollars." He advised the bidding to be carried to forty thousand dollars, if the Governor thought it worth it. He added, however, the provision that if any member of the company objected to his being interested in the scheme, his name should not be presented. In his answer the Governor said that, taking all the risks into account, he did not consider that the company could safely bid higher than the minimum fixed by the Legislature, and this was what he proposed to offer. Shortly after Mr. Stephens heard that the offer had been made and accepted by the Governor, and that he was one of the lessees.

A cry was soon raised in certain quarters that this transaction was "a swindle," and that a more liberal offer had been made by other parties and not accepted. The conspicuous position occupied by Mr. Stephens made him a special mark for these assaults, to which he replied by a letter, rehearsing the facts of the case as given above, and adding that he knew nothing of the transaction beyond them; that the measure while before the Legislature, and while the advertisement for bids was in the papers, had been freely commented on by the press, and no charge brought of unfair dealing, nor had he seen any cause for suspicion that the transaction was not perfectly fair and above-board. A few days after this letter, he was shown a written statement by certain parties in Atlanta, averring that they had put in a bid for the lease of the road at thirty-four thousand five hundred dollars per month, tendering ample security. Upon receipt of this statement Mr. Stephens was led to suspect that there had been unfair dealing, and he at once transferred his whole interest, being one-fourth of one share, to the State of Georgia, thus ending the matter.

The Republican party had been very desirous of carrying the elections in Georgia in the fall of 1870, and to secure this end had recourse to their familiar tactics. One of their favorite devices, that of exciting the hostility of the blacks against the whites, failed of its usual success. The relations between the races in Georgia differed from those in South Carolina and Alabama; the land in Georgia was divided into smaller plantations, and the climate of these was for the most part healthy, so that the planters resided on their own lands, and were thus brought into closer contact with the negroes, who were therefore less easy to deceive as to their feelings toward them. There was also a considerable number of intelligent and determined men who had resolved that the State elections should be held in conformity with the laws of the State. Among these was Linton Stephens, who caused one of the leaders of those who attempted to violate the laws to be arrested and carried before a magistrate. This prompt action discouraged the rest of the party, and the Conservatives carried the election. Linton Stephens was soon after arrested under a Federal warrant for violating the Enforcement Acts, and had a hearing before the United States commissioner at Macon. On this occasion he made one of the ablest constitutional arguments ever made in the United States, which will ever remain a monument to his memory. These facts explain the following letter:

*January 30th.*—"I suppose you have seen that Linton was required to give bond in the sum of five thousand dollars for his appearance at the next Federal Circuit Court in Savannah, in April, to answer the charge. This is nothing more than I expected. It is part of the programme of the powers at Washington and Atlanta. As to final results, I give myself very little uneasiness. Let them do as they may, it will but add to the reputation of him who is the object of their wrath. The penalty, in case of conviction, is a fine of five hundred dollars, or three years' imprisonment, or both, at the discretion of the court. In the worst form it can take, his is the greater honor as the victim of tyrannical vengeance. But I have no serious apprehensions that there will be any conviction: the law and the justice of the case too strongly forbid it. Still, there is no telling to what extremes faction, in its madness and folly, may be driven. Packed juries seldom fail to obey orders. Great crises must be met with fortitude by all who value true fame above personal sacrifice. Usurpations must be denounced and put down through the judicial tribunals if possible. Those

who fall in that arena deserve as high a place on the roll of honor as those who give their blood for the same cause on the field of battle: and in my judgment no man deserves to be free who would not, when occasion required it, be perfectly willing to do either."

In April the grand jury found No Bill in Linton's case, and so the matter ended, the object, which was to intimidate, having failed.

In the same month the five young gentlemen who were studying law with Mr. Stephens, and formed his family, addressed him a note, asking him to embody in a letter, for subsequent publication, the remarks which he had made to them at the beginning of their studies, on the great principles which are the foundation of all law, whether municipal, federal, or international, and on the duties incumbent upon members of the legal profession. With this request he complied, and his letter was published in pamphlet form. He handles the subjects with his accustomed breadth and clearness, and calls their attention to the peculiarities introduced into the structure of our laws by the peculiar character of the Government, as an organic Federation of Sovereign Powers.

Mr. Stephens's feeble state of health continued through this year, and he suffered almost constant pain from the results of his attack. The probability that he should never be able again to leave his house seemed almost a certainty, but his cheerfulness was even greater than usual.

In this spring he was gratified by seeing a very able and appreciative review of the second volume of his *Constitutional View of the War* in the London *Saturday Review*. The reviewer gave a brief but compendious abstract of the argument, praised the fairness with which the historian had stated the strongest points of the opposite side, and confessed that he had proved that throughout the whole political struggle the North had been the aggressor and the South had acted on the defensive, and that he had sustained this doctrine with "an unequalled knowledge of facts, an abundant collection of authorities, and remarkable clearness of constitutional reasoning." The article concludes thus: "On the whole, no contribution to the history of the civil war of equal value has as yet been made, or is likely

to be made, unless some one of General Lee's few surviving lieutenants should one day do for the military history of this struggle what Mr. Stephens has done for its political aspect."

In the passages of this work referring to the Hampton Roads Conference, it has been mentioned that Mr. Stephens had formed a higher opinion of the intelligence of General Grant than was at that time generally entertained. He always maintained that the latter was destined to exercise a very important influence, for good or evil, upon the destinies of the country; that, while he judged him to be not naturally ambitious, he was earnest of purpose, combative by nature, impatient of all opposition, and being a purely military man, little acquainted with political science, should he attain an exalted position with unscrupulous leaders to urge him on by taking advantage of his weaknesses, he might be led to break through constitutional limitations. The acts of Congress, which, at the time of which we are writing, scarcely deigned to veil its determination to perpetuate the rule of the majority in defiance of Constitution and law, and the high-handed usurpations which Federal officials had lately been practising in the South, seemed to Mr. Stephens to indicate that the President was tending toward the worse of the alternatives he had predicted. On the 2d of March he thus writes to R. M. J.:

"You ask what I now think of Grant. I think of him just as I did on first acquaintance. My opinion of the man has not changed, either as to his ability or future career since our interview at City Point, in 1865. I am now inclined to think, from his surroundings, that his policy is tending to empire, and whether he will succeed or not will depend upon whether there are brains and patriotism enough combined in the land to defeat his purpose. I have not yet reached a satisfactory solution of this question. I am upon it as I was upon the question of our success during the war. The difficulty was not with the people, but with their leaders. An overwhelming majority of the people of the United States are devoted to the institutions of their ancestors, and are utterly opposed to anything like monarchy or imperialism. All they want to drive usurpers from power is the lead of bold, wise, sagacious, discreet, patriotic standard-bearers, through constitutional channels and instrumentalities."

In the spring of this year Mr. Stephens purchased an interest in the *Atlanta Sun*, a daily newspaper, and became its political

editor. His co-proprietors were Messrs. Archibald M. Speights and J. Henly Smith. His object was to exert his influence in preventing the proposed coalition of the Democrats with the Liberal or anti-Grant Republicans, and maintaining the fundamental principles of Democracy. Of that insensate and unlucky coalition, afterwards notorious as the "New Departure," more will be said presently.

For the rest of this year there is nothing of general interest in the correspondence, nor did any change of moment occur in Mr. Stephens's life. He was still confined to his house, though able at times to move about a little on crutches, and employed his time in writing for his paper, and preparing his *School History of the United States*. He had noticed a serious defect in works of this class, which confined their account of post-revolutionary events chiefly to the Presidential elections and the admission of new States, without giving any clear narrative of the political history,—the rise, aims, and struggles of the great parties, which really constitute the history of the country. Much of our trouble was doubtless due to the almost universal ignorance on these points, so that it was rare before the war to find any one (not a special student of those subjects) who knew how the Constitution was formed and the objects of all its provisions, the true character of the States and their relation to the Federal Government, the various crises through which the Union had passed, and so forth. And we can now see that the war between the States was due in no small measure to the popular lack of knowledge on these points, astounding examples of which may still be seen even in the cases of high public officers, and pretentious writers and speakers.

Mr. Stephens rightly conceived that in a country where every man is expected to exercise the primary functions of government, and any man may be called on to administer its trusts, a knowledge of these facts was of the first importance; and he therefore gave, in his *History*, a condensed, but clear and impartial account of the formation of the Government and the principles of its organization, of the great questions on which public opinion was divided, the parties which arose upon these questions, and the contests between them. The work covers the period from



the discovery of America to the year of its completion, and the author bestowed great care and labor upon it; though suffering, in addition to his other ailments, with severe attacks of vertigo. As a recreation, he had historical readings in the evening, and we find in the letters an admiring reference to Lord Mahon's *History of England*.

And thus cheerfully looking forward to a life to be passed not only in seclusion from public affairs, but in the condition of a cripple, and cheerfully guiding his students, writing his book, contributing to his paper, and doing whatever work his hand found to do, he spent the rest of this quiet year.

## CHAPTER XLI.

Situation of Affairs in the South—The “New Departure”—Mr. Greeley—  
Pluck, the Dog—Life at Liberty Hall—Death of Judge Linton Stephens  
—A Crushing Sorrow—Contest for Election to the Senate.

As the reader cannot here have the guidance of a work as full and impartial as the *Constitutional View* to unfold the political complications of this period, we must enter somewhat fully into details to explain the situation.

President Grant had entered office without any well-defined political views, and rather disposed to deal justly with the South, and to consolidate peace on an equitable basis. He had been supported in 1868 by a large class of the more conservative Republicans, who wished for a restoration of tranquillity and prosperity. But he unfortunately allowed himself to be guided by the extremists of his party (including Horace Greeley), representing the moneyed interests of protection, the national bank system, etc., and the allies of the carpet-baggers, who persuaded him that his own re-election and the continued supremacy of the Republican party depended upon the forcible repression of political liberty at the South, and the maintenance of the “carpet-bag” governments by the military power. This turned the conservative Republicans from him; but they were not able to cope with the adroit and unscrupulous strategy of their opponents, who skilfully kept alive the embers of hate left by the war, and, among other things, worked the North into great excitement over that absurd phantom, the “Ku-Klux Klan.”\*

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\* The origin of this was as follows. Some time before the period we are writing of, apprehensions were felt throughout the South that a concerted rising of the negroes to massacre the disarmed whites was in preparation. Emissaries were known to be busy among them; nightly meetings for drill were being held, and they were not sparing of mysterious hints and threats. Even where this was not the case, they were thieving and

In May, 1871, was organized what was called the "New Departure," which Mr. Stephens regarded as an abandonment of all the ancient landmarks of Democracy,—one which, if adopted by the party generally in the United States, would lead to an overwhelming defeat of the party in the ensuing Presidential campaign.

Mr. Horace Greeley was a supporter of the new movement,—through hostility to Grant, Mr. Stephens maintained, and because the principles of the movement tended more directly toward consolidation than any ever before announced in this country by any party. Mr. Greeley was a man of much intelligence, of amiable disposition, but most inflexible purpose. Mr. Stephens, from their first acquaintance, had admired his many excellent traits, and had the kindest personal feeling toward him. When his name was prominent among the candidates for the Baltimore Democratic nomination in 1872, Mr. Stephens, in advance of that nomination, wrote a letter to the Hon. J. Glancy Jones, of Pennsylvania (who had solicited Mr. Stephens's influence in behalf of Mr. Greeley's nomination, and expressed the opinion that he would sweep almost the entire North, and, with the concurrence of the South, would defeat Grant). In reply to this Mr. Stephens expressed opinions directly in opposition to these, and stated that so far from Mr. Greeley's sweeping the North, he saw no possibility of his carrying a single Northern State, and but few Southern. This letter was written several days

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plundering to an intolerable extent in nocturnal forays. Some young men hit upon the idea of checking these doings by taking advantage of the superstitious fears of the race. Partly with serious purpose and partly as a mischievous frolic, they patrolled the country at night in fantastic and terror-striking disguises, and caused terrific reports to be spread of the awful powers and direful deeds of the "Klan." They chose as their designation the Greek name *Kuklóps*, or Cyclops, as a name at once striking and mysterious, their leader being called the "Grand Cyclops," which negro pronunciation corrupted to "Ku-Klux." As the device was adopted in various parts of the country, the wildest rumors soon spread among the negroes of the atrocities perpetrated by the "Klan"; and these were skilfully used at the North to rouse a paroxysm of indignation against what was in reality scarcely more than a grotesque bugbear, though, no doubt, deeds of violence were perpetrated in some cases by real or pretended members of the "Klan."

before the nomination at Baltimore, and was published not long after. The result confirmed the prediction, for Mr. Greeley did not get a single Northern State. In this contest for nomination Mr. Stephens took no part. For this course he was sharply denounced by the Greeley supporters and "New Departure" Democrats in Georgia.

Mr. Greeley was nothing of a statesman; he was, on many points, fanatical; was deeply tinged with socialistic doctrines, and governed rather by his feelings and temperament than by his calm judgment. It was thought by many that his unquestionably great popularity in the North and West had been chiefly due to his placing himself in the van of fanaticism, and that it would fall away from him so soon as he opposed its further advance. Especially did it seem absurd for Conservative Democrats to advocate his election, since their true and strong position consisted in the maintenance of the rights of the States under the Constitution and a firm adherence to the latter as the palladium of civic liberty; and Mr. Greeley had been notorious in years gone by for the scorn which he had heaped upon that instrument, and the facility with which he gave it whatever construction suited his views, regardless both of its plain tenor and its history. It was, moreover, absurd for a party whose strength lay in its unwavering opposition to the abuses of a protective tariff to select as its standard-bearer a life-long and extreme protectionist. The wiser Democrats and Liberals felt that he was a man, however excellent his intentions, upon whom little reliance could be placed in any crisis demanding wisdom, prudence, tact, and solid judgment; and in the one vital question upon which his views were unmitigable and unalterable, he was in direct conflict with them.

Still, deceived by his apparent popularity, the Cincinnati Convention nominated him as the Liberal Republican candidate, with Ex-Governor Brown, of Missouri, for Vice-President, thus renouncing the strongest plank in their platform, that of Free-trade; and the Democratic Convention at Baltimore, by accepting the nomination, completed this short-sighted and disastrous coalition.

In January of this year Mr. Stephens suffered extremely from

rheumatism and neuralgia. Still, besides his editorial work on the *Sun*, he was able to do a little every day on his *School History*, and on the 27th of February he triumphantly announces to R. M. J. that he is "relieved from a great labor. My history is off to the press." The rest, however, that he was promising himself did not come with the end of this work ; and he writes :

"I am still absorbed,—not on the same subjects, but in the fifty other matters that are on my table to be attended to. It is impossible under such circumstances to write an old-fashioned letter, springing from a full heart in its spontaneous pourings-forth to a bosom-crony."

Our old four-footed friend, Sir Bingo Binks, notwithstanding his merits, had never been able to fill the place of the lamented and incomparable Rio in his master's affections. Nor was this possible for Pluck, a brindled cross between St. Bernard and bull-terrier, that Mr. Stephens had raised, though he was quite a favorite. His most eminent accomplishment, beside his hereditary qualities as a biter and a fighter, was the trick of rearing up against his master, at command, and giving utterance to a singularly loud and dismal sound, which was supposed to be "crying."

During the spring and summer of this year Mr. Stephens kept up an active warfare in the *Sun* against the Greeley coalition.

In the summer R. M. J. spent some time with Mr. Stephens, whom he found deeply interested in public affairs, but more hopeless of the future of the country than he had ever known him before. He condemned the New Departure in the strongest terms as an abject abandonment of principle by the Democratic party, especially that of the South. But what surprised him most was the facility with which this party had been led into the belief that Mr. Greeley could be elected. He laughed at the scores of men who came to his house from all parts of the United States, soliciting him to join the movement which they predicted would sweep the country at the November elections ; and never for a moment wavered in his predictions of the utter defeat of the coalition.

At this time Mr. Johnston had his last meeting with the two brothers together. Linton had just returned from Atlanta,

where he had been engaged as leading counsel by especial appointment of the Governor, under resolution of the Legislature, in prosecuting the plunderers of the State treasury under Governor Bullock's administration, and was spending a day or two with his brother at Liberty Hall, the last days that he ever passed there. The two brothers were in full accord on the political issues of the day, and heaped arguments and friendly raillery upon their guest, who unfortunately had sided with the coalition, because, as it seemed to him, he had no alternative. Under Greeley, he argued, we should have at least a civil instead of a military government, towards which, under Grant's administration, the country seemed to be rapidly drifting. But the brothers thought it best to take no part in the contest between Grant and Greeley on their respective platforms, maintaining that while the former had no declared political principles except to carry out the behests of Congress, Greeley did have very fixed principles, and those eminently false and mischievous.

It was remarkable how little change, to the eye of their guest, the war and its consequences had made in the life at Liberty Hall. The same servants were there, and the same order of domestic economy; Harry was still at the head of outdoor affairs; Eliza, his wife, was still cook and laundress; and their children did the housework. When we drove out in the afternoons, Pluck, who had then, like his predecessor Rio, become blind, and old Frank, a small black "fice," were lifted into the carriage beside their master, from whom they could not bear to be separated. When night came, and Harry had put his master to bed, some newspapers were spread at the foot, on which Pluck mounted to sleep for the night. A small riding-whip was stuck under Mr. Stephens's pillow, with which he could repress any encroachment of his companion. Then the guest would read aloud until Mr. Stephens had fallen asleep; after which he retired to his own apartment.

On July 1st (Linton's birthday) Mr. J. left with Linton for a visit to him at Sparta. On the 5th he received a letter from Mr. Stephens, of which the following is an extract:

"I have had another attack since you were here, from which I am still

suffering, but am able to sit up. I am a little more depressed and low-spirited than I have been for some time. This springs from the clear indications of the times, that the Southern people will most likely, in the coming Presidential canvass, cast their lot with Mr. Greeley. This greatly increases the apprehension that I have felt for the last twelve years, that our people are really incapable of self-government; that they do not possess the essential requisites, the necessary intelligence, virtue, and patriotism. No people can be free long, no self-governing people, I mean, who do not study and understand the principles of the Government, and who do not have the virtue and patriotism to maintain these principles.

"The reflection that our people—the Southern people—are getting ready and ripe for a master, is a sad, sad one to me. But it presses heavily upon me just now, and renders me not only depressed but gloomy in spirits sometimes."

When he wrote this he was, though he knew it not, about to be called upon to endure the heaviest sorrow of his life. On the 14th day of this month (July) Linton Stephens died, after a brief illness. This blow for a time almost crushed his brother, who was now the only survivor of his father's family. Those who bore him the sad message, and who saw him while fresh from the blow, speak of his grief as most heart-rending. On the 16th he writes to R. M. J.:

"I am now passing through one of the bitterest agonies of my life. Before this reaches you, you will have heard of the death of my dearest of brothers. He died at his home on the evening of Sunday last."

After a short account of his illness, the letter proceeds:

"Oh that I had you to comfort me!—some one to whom I could talk, and in this way find relief from an overpressed heart, which converse with friends alone can afford. The light of my life is extinguished. How long I can survive it, God in His infinite mercy alone knows. The bitterest pang I have is that all the world to me is now desolate. I have no one to whom I can talk and unbosom my woes. Heretofore, when heavy afflictions of any sort came upon me, for thirty years or more, he was my prop and stay. Towards him my thoughts constantly turned for relief and comfort. Now that prop and stay is gone. I am indeed most miserable. All around me is dark, gloomy, cheerless, hopeless. I am not able even to go and take a last look at that noble form who has so long been my life's support. Oh, how little did I think, when he bade me adieu with you two weeks ago, last Saturday, that it would be the last time I should see him! But so it was. To the decrees of the Most High we must all submit with whatever resignation He shall afford us grace through faith in His mercy to command.

"In this most afflictive bereavement I am not without some consolation—some comfort. This springs from reflecting upon his well-rounded life. He was in the full prime of manhood, and in the zenith of a well-earned and enduring fame, with a character for honor and integrity unsullied, with deeds that will live after him, leaving a deep impress upon the times, not only at the bar and in the forum of popular discussion, but in the halls of legislation and in the records of our judiciary. What more could I desire? All must die. He has but paid the debt of nature,—has passed from the stage of earthly existence where he had acted an honorable, a useful, and a noble part. He did not remain to be subject to the infirmities, either of body or mind, which seem to be the inevitable attendants of old age. What he has done is a rich inheritance for his posterity. Why, then, should I weep? Why should my heart be torn with such anguish?

"These are the consoling thoughts which come to my relief and comfort.

"But, oh! the bitter consciousness that I shall never see him more; that I now have no one to whom I can look for support in distresses of body and mind,—this overwhelms me. May you, my dear friend, while you live, be spared the deep agony I now feel! . . .

"My brother was perfectly in his senses to the last, and was entirely conscious of his condition and rapidly-approaching end. He expressed a willingness to die, and showed no fear at the approach of dissolution. Did not suffer any very severe pain, and had no struggle. He was calm and resigned, and spoke to within a few moments of his last breath. Thus passed away my dearest brother."

Those who knew well the relations of these two brothers could have foreseen that the death of Linton would fall with extreme and peculiar weight upon Alexander. He had guided and watched over his younger brother with more than paternal solicitude, as we have seen, in his childhood, youth, and early manhood, until he saw him fully his peer at the bar. They had never at any time been partners in business, but they had tacitly agreed never to appear on opposing sides in lawsuits. Some thought that in political matters Linton followed the lead of his elder brother; but this was at no time the case. No doubt their long habits of association, interchange of thought, and co-operation, produced a great similarity in their views; and on new questions arising each could anticipate the judgment and action of the other; but the opinions and conduct of the younger were as independent as those of his elder brother. Both were men of uncommonly deep and tender feelings, and



their mutual affection was heightened by the peculiar circumstances of their lives, and founded on a deep respect for each other's character. Yet neither was at all given to outward demonstrations of fraternal affection. They usually met and parted as any two friends would have done. After Linton's marriage, the increased loneliness of Alexander's existence seemed only to deepen his love for the brother who now had dearer ties than those of fraternal affection. The intimate friend of both avers that never has he known a love so absorbing, so constant, so single as that felt by Alexander for Linton. He was more eager for his brother's advancement and rejoiced more at his success than at his own. Linton himself was not ambitious: indeed, had a repugnance to public office, though deeply interested in public affairs; and his defeat in 1855 was scarcely a disappointment to him, while Alexander was thinking more of his brother's chances than his own, and would most gladly have borne defeat if that could have insured Linton's election. To the friend referred to, the letters of this period, especially those in which he analyzes the sources of possible consolation, indicated a sorrow very near to despair. Despair itself would have followed, had he not thrown himself again into active political life.

On July 19th he writes:

"Your consoling letter was received this morning. . . . The accidents of every day seem only to add deeper pangs to my grief. The more I realize my situation, the deeper I am impressed with the sense of my utter isolation from anything that can bind me to this world. I can write nothing—I can do nothing. My thoughts are upon him all the time. . . . To-day my sorrows were increased by a message from old Uncle Ben —, the old family servant down at the homestead, now in his seventy-second year, who has been an invalid nearly all his life, that he is in low condition. I fear from what George said that he too may soon pass away. Linton's death greatly affected all down there, and old Uncle Ben in particular, who was his nurse in childhood, as his rheumatism kept Ben about the house for several years. When Linton went to his Uncle Lindsay's, in Upson County, in 1828 or 1829, Ben went with him, and was with him until I became his guardian, in 1837. He was much attached to him, and the old man was greatly afflicted by his death. I sent him a doctor, and will go to see him just as soon as I can. I feel as if it would be a relief to me to visit the old man on his sick-bed, and mingle my tears with his for one whom he loved so much as well as I. I am grieved that he is suffering so much. May God have mercy on us all!"

Many such letters followed during the summer. Mr. Stephens improved sufficiently in health to write for his paper and vigorously oppose Mr. Greeley's election. On September 9th he writes :

"I have been overwhelmed with work. Have had no time to do anything but work on business connected with the *Sun*. . . . Politics in Georgia are now greatly mixed and confused. What turn events will take depends upon what is done in Louisville next week. If a sound Democratic platform is adopted, and a ticket of sound men put upon it who will accept, we shall have a lively time of it."

The reference here is to the "straight-out" Democratic Convention, or those opposed to the Greeley coalition, which met in Louisville September 4th and 5th, 1872, and dissolved without making a nomination, Mr. Charles O'Connor, their choice, having refused to accept.

There are no letters of interest now before November 20th, when he writes on the eve of starting for Atlanta, which he had not visited for nearly four years, so long had he been at home.

"How shall I stand this trip? Oh, if I had my dear brother to go with me! My poor dog, what will become of him? How he will grieve and lament for me! For nearly four years he has seldom, and for a few moments only at a time, been out of my sight. Day and night he has been with me and depended on me, blind and unable to take care of himself.

"I go to Atlanta on business, and hope to be able to return on Saturday, but no one can imagine what it costs me in feeling to make this adventure, to leave my home once more. . . .

. . . "You seem to be despondent at Grant's election. In my opinion the country is better off with Grant than with Greeley. I opposed Grant for the principles of his party, not for any principles of his own. Grant seems to have no principles but to execute the mandates of Congress; Greeley has principles, and the worst now avowed by any public man in this country."

The course that Mr. Stephens had followed in the Presidential campaign brought upon him the hostility of many of the leading Democrats, both North and South. The utter defeat of the coalition seemed to have exasperated these persons, especially against one who had not only refused to join the movement, but had so constantly and truly predicted its disastrous end. On December 14th he writes :

"Just at this time there is evidently, both North and South, a strong disposition to crush my character and suppress all I write. Did you see in the *Herald* the other day in which Judge Campbell is represented to have expressed most ungenerous and unjust things against me? This article is now being republished at the South. All this causes me much pain,—pain to think that I should be so unjustly treated by those who are really so much indebted to me for the vindication of their characters with the cause and character of the Southern people."

In a postscript he adds :

"It is a wonder to me, or at least a matter of serious thought, why I am permitted to live. Why do I linger on the stage? What is it for? Why am I here hobbling about and Linton gone? I constantly feel as if I had nothing to live for, nothing that I can do. I do not court death, yet it seems to me that I would not shun it."

But, notwithstanding the hostility of prominent Democrats, he had lost nothing of the regard of the general public. The integrity of his motives was never questioned, even by those who dissented most strongly from them. When at Atlanta in November, and again in December, crowds came to see him, and he was pressed to speak in public, marks of esteem which were very grateful to him.

While there he determined to announce himself as a candidate for the United States Senate, squarely upon the issue between the old Democratic principles and those advocated by the "New Departure" organization. He had very little idea of success, because of the opposition of an overwhelming majority of his old party associates. "Either the 'New Departure,'" he said, "or I, shall die, politically, in Georgia." He spoke and announced his candidature. The contest in the Legislature was fierce, and more exciting than on any similar election ever before in the State. His opponents were General J. B. Gordon and the Hon. B. H. Hill. The latter was the bold and open advocate of adherence to the "New Departure" principles. General Gordon at first favored Greeley, but finally announced that he would for the future stand upon the Georgia platform of 1870. This was the platform drawn up by Linton Stephens in consultation with his brother, which avowed strict adherence to the Democracy of Jefferson and the fathers; and it was upon this

that the State was rescued from Radical and carpet-bag rule in the ensuing elections of that year.

Mr. Hill received but few votes. Mr. Stephens was for awhile a little ahead ; but changes were made which resulted in General Gordon's election by a small majority. It was said that the general, owing to his distinguished military services and activity in the Presidential canvass, had a majority, or very nearly a majority, of the Legislature pledged to his support before Mr. Stephens had announced his name. Mr. Stephens said that he had gained his main object, which was to kill the "New Departure" in Georgia ; and that he was content with the result.

## CHAPTER XLII.

Candidate for Congress—Civil Rights Bill—Speech of January 5th—Serious Illness—The Salary Act—Re-elected—Controversy with the Hon. B. H. Hill—Withdraws from the *Atlanta Sun*, with heavy loss—Action on the Louisiana Report—Fourth of July at Atlanta—Liberty Hall again—Sunday-School Celebration at Crawfordville—Re-election—Appearance in the House—Attack of Pneumonia—Report of his Death—Views on the Electoral Commission—Mr. Stephens in Congress—Speech at the uncovering of Carpenter's Picture—Letters—Social Habits.

JUST before the Senatorial election, General Ambrose R. Wright, who had been returned as a member from the Eighth District to the next Congress, died; and a general desire was shown throughout the State, after his defeat for the Senate, that Mr. Stephens should be elected to the vacant seat. This was the old Eighth District before the war, which he had represented so long. This feeling both surprised and touched Mr. Stephens, who had given up all thought of being again a candidate for public office. Indeed, if Linton had been living, he would not have entertained the idea; but his brother's death had so utterly shattered his dreams of a peaceful domestic life, had left him so desolate, and stricken out of his existence its chief and almost sole happiness, that he found it a relief to set some immediate purpose before him on which he could concentrate his thoughts, and into which he could throw what energies he possessed. He at once entered into the campaign, and was returned without opposition from any quarter,—Republicans and Democrats alike voting for him.

It was, perhaps, the best thing that could have happened to him. From this time forward a more cheerful tone became apparent in his letters and conversation; and the belief that it was still in his power to do some good, and that life was not yet over for him, gradually returned. This characteristic showed itself so markedly, that some who did not know him intimately

thought that he was growing arrogant, and cherishing an overweening estimate of his own powers; but it was really the reaction from an almost unrelieved despair, and the consciousness, which never forsook him, that his life was henceforth absolutely alone.

The following extract from a letter of April 7th will show how busy a man he was this spring:

"You ask me what I am so busy about. Why, my dear sir, I am busy with company; busy with answering letters,—fifteen or twenty sometimes a day;—busy with giving legal advice—gratuitously in most cases—to neighbors, widows, and the poor: even the blacks come to me constantly for advice; busy with my law-class. I have another class of five law students now who make a constant draft on my attention. They are not in a class, but all in separate books. Then I write a great deal more for the *Sun* than you seem to be aware of,—two or three and sometimes four articles in the week. This is not all. Every once in a while comes a long manuscript for me to read over and advise about, and tell how it is to be published."

In such occupations he spent most of the spring and summer. In September he was invited to deliver an address in New York in behalf of a plan for a great general celebration of the hundredth year of American independence, and accepted on condition that his health would permit. He greatly favored the design, believing that such a celebration, by reviving memories of the past, and bringing together in a common spirit the people of all sections, would greatly tend to promote harmony and good feeling, and help to efface the lingering animosities. How far this might have been the case had the year 1876 not also been that of a Presidential election, we cannot say; as it was, instead of a return of peace and good-will, the exertions of one party at least were all to revive old discords and rekindle the embers of sectional hatred; and probably at no time since 1865 has so much bitterness been aroused.

Despite his good wishes, however, Mr. Stephens was so unwell this fall, chiefly with rheumatism and dysentery, that all thoughts of the address and of travel had to be abandoned. He grew better at the approach of winter, and at the opening of the session of Congress was able to go to Washington.

In this year the honorary degree of LL.D. was conferred on

him by Bowdoin College. He also was selected as one of the associate editors of Johnson's *Encyclopædia*, taking the departments of American history and Southern statistics.

Early in the session the Radical party in Congress introduced what was called the "Civil Rights Bill," by which they endeavored to compel social as well as political equality between blacks and whites. The bill ran as follows :

" A BILL to protect all citizens in their civil and legal rights.

*" Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever, being a corporation or natural person, and owner, or in charge of any public inn ; or of any place of public amusement or entertainment for which a license from any legal authority is required ; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight ; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein, of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than one hundred nor more than five thousand dollars for each offence ; and the person or corporation so offending shall be liable to the citizens thereby injured, in damages to be recovered in an action of debt.

" SEC. 2. That the offences under this act, and actions to recover damages, may be prosecuted before any Territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offence was charged to have been committed, as well as in the district where the parties may reside, as now provided by law."

This bill Mr. Stephens strongly opposed in a speech delivered January 5th, 1874. He first explained that his opposition did not arise from an indisposition to concede full justice to every human being within the Federal jurisdiction, nor from any prejudice founded on race or previous servitude. While he had never held nor believed the manifestly false assertion that all men are equal, he held "that all men have an equal right to justice, and stand, so far as governmental powers are concerned or exercised over them, perfectly equal before the law." That the blacks should have full security in their persons and property, and that they should enjoy, as amply as the whites, the protection and redress afforded by the law, was a doctrine which he had publicly advocated shortly after the close

of the war, and never ceased to hold ; and that doctrine, when presented by him in an address, had been unanimously approved by the Georgia Legislature, showing the feelings and dispositions of the leading men of that State.

Mr. Stephens then proceeded to state why he opposed the bill. First, even if the rights proposed to be secured by it were just, there was no constitutional power in Congress to secure them by the proposed enactment. The advocates of the bill claimed such power under the first and fifth sections of the Fourteenth Amendment and under the Fifteenth. These run as follows :

“ARTICLE XIV.

“SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property without due process of law ; nor deny to any person within its jurisdiction the equal protection of the laws.

“SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

“ARTICLE XV.

“SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.”

These amendments, then, declare that the native negroes are citizens, and prohibit the States from denying or abridging their civil rights on account of race, color, or previous servitude.

Now, argues Mr. Stephens, this places the colored race under the same protection as was enjoyed by citizens under the Constitution before amendment, and provides for them the same remedy, and no other.

“The exercise of no new power was conferred by either of these new Amendments. The denial of the exercise of any number of powers by the United States, severally, does not, most certainly, confer its exercise upon the Congress of the States. Neither of these Amendments confers, bestows, or even declares any rights at all to citizens of the United States,



or to any class whatever. Upon the colored race they neither confer, bestow, or declare civil rights of any character,—not even the right of franchise. They only forbid the States from discriminating in their laws against the colored race in the bestowment of such rights as they may severally deem best to bestow upon their own citizens. Whatever rights they grant to other citizens shall not be denied to the colored race as a class. This is the whole of the matter. The question then is, how can Congress enforce a prohibition of the exercise of these powers by a State? Most assuredly in the same way they enforced or provided for violations of like prohibitions anterior to these Amendments. The proper remedies before were and now are nothing but the judgments of courts, to be rendered in such way as Congress might provide, declaring any State act in violation of the prohibitions to be null and of no effect, because of their being in violation of this covenant between the States as set forth in the Constitution of the United States. No new power over this matter of a different nature or character from that previously delegated over like subjects was intended to be conferred by the concluding sections of either the Fourteenth or Fifteenth Article of Amendment. No such thing as the tremendous power of exercising general municipal, as well as criminal legislation over the people of the several States could have been dreamed of by the proposers of these Amendments. Such a construction would entirely upset the whole fabric of the Government, the maintenance of which in its integrity was the avowed object of the war."

He then quoted from the decision of the Supreme Court of the United States in what were known as the "Slaughter-house cases," in which that tribunal affirmed, with emphasis, that the Fourteenth Amendment did *not* transfer the security and protection of civil rights from the States to the Federal Government, nor bring the domain of those rights within the jurisdiction of Congress; but that all the essential features of the original Federal system remained unchanged.

But he not only objected to the bill as unconstitutional, but also as inexpedient. There was no desire among the negroes (in Georgia at least) to mix with the whites in churches, in schools, or socially; and this voluntary separation, on a basis of equal justice, tended, far more than any unnatural mixing, to promote good feeling and harmony between the races.

There was, however, a much more serious danger in the introduction of this bill than the disturbance of harmonious relations between the races.

"Interference by the Federal Government, even if the power were clear

and indisputable, would be against the very genius and entire spirit of our whole system. If there is one truth which stands out prominently above all others in the history of these States, it is that the germinal and seminal principle of American constitutional liberty is the absolute, unrestricted right of State self-government in all purely internal municipal affairs. The first Union of the colonies, from which sprung the Union of the States, was by joint action to secure this right of local self-government for each. It was when the chartered rights of Massachusetts were violated by a British Parliament, the cry first went up from Virginia, 'The cause of Boston is the cause of us all!' This led to the declaration and establishment of the independence, not of the whole people of the united colonies as one mass, but of the independence of each of the original thirteen colonies, then declared by themselves to be, and afterwards acknowledged by all foreign powers to be, thirteen separate and distinct States.

"It is not my purpose at this time even to touch upon any of the issues involved in the late war, or the chief proximate cause which led to it, or upon whom devolves the responsibility of its direful consequences. But, taking it for granted that the chief proximate cause was the *status* of the African race in the Southern States, as set forth in the decision of the Supreme Court to which I have first referred, suffice it to say on this occasion that that cause is now forever removed. This thorn in the flesh, so long the cause of irritation between the States, is now out for all time to come. And since the passions and prejudices which attended the conflict are fast subsiding and passing away, the period has now come for the descendants of a common ancestry, in all the States and sections of the country, to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my judgment, not only the liberties of the white and colored races of this continent, but the best hopes of mankind. And if any breach has been made in any of the walls of the Constitution, in the terrible shock it received in the late most lamentable conflict of arms, let it be repaired by appeals to the forums of reason and justice, wherein, after all, rest the surest hopes of all true progress in human civilization. If, 'in moments of error or alarm,' we have 'wandered' in any degree from the true principles on which all our institutions were founded, in the language of Mr. Jefferson, 'let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety!'

"This I say in all earnestness to the members of this House from all sections of the Union,—South, East, West, and North; and especially to those who bear the party-name of Republican. If you, Mr. Speaker, and your political associates, be really and truly of the old Republican school, then be first and foremost to rally in the support of the principles of the great Chief who organized that party to rescue the Federal Government from centralisation in one of the most dangerous periods of its history;

and under the auspices of whose doctrines, when the rescue was accomplished, the country was so happy, prosperous, and glorious for sixty years of its existence. If you do not, be assured your opponents will rally again under the banner of their ancient creed, and seize it from the hands of those who profess it by name, but reject it by their acts,—‘keeping the word of promise to the ear while breaking it to the hope.’

“Excuse me, sir: please to pardon something to an ardent nature. The dawn of a new epoch in politics is upon us. There will soon be a breaking up of the elements of present party organizations. The great and vital issue between Constitutionalism and Centralism must soon be directly met by the people of the States. Seven-tenths of the people of the United States, in my judgment, are to-day as true to the principles of liberty, on which the Federal Constitution was founded, as were their ancestors who, in 1787, perfected its matchless and majestic structure. They are as much opposed to Centralisation and Empire, and the necessary consequence,—ultimate Absolutism and Despotism,—as the men of 1776 were. All that this immense majority now want for concert and co-operation are young and vigorous leaders, thoroughly in earnest, as well as thoroughly imbued with the importance and sacredness of the Cause. Nothing will hasten action in this direction more than the passage by Congress of this bill, or any like it, because its unnecessary and irritating effects will strike chords which will awaken opposition in every State of the Union, from the Atlantic to the Pacific, and from the Lakes to the Gulf.”

He then adverts to some allusions by a speaker on the other side to the Roman Republic, points out the vital distinction between the Federal organization of the States and that consolidated empire:

“In the workings of our complex system under our Federal Republic, each State is a distinct political Organism, retaining in itself all the vital powers of individual State government and development; while to all the States, in joint Congress assembled, are delegated the exercise of such powers, and such only, as relate to extra-State and Foreign affairs. The States are each perfect political Organisms, with all the functions of perfect government in themselves, respectively, on all matters over which they have not assigned jurisdiction to the Federal Head, or on which they have not restrained themselves by joint covenant in mutual prohibitions upon themselves. Under this system, adhered to, no danger need be apprehended from any extent to which the limits of our boundary may go, or to any extent to which the number of States may swell. For the maintenance of this model and most wonderful system of government, in its original purity and integrity, every well-wisher of his country should put forth his utmost effort. No better time for an effort on this line than now, right here in this House.

"Let us not do, by the passage of this bill, what our highest judicial tribunal has said we have no rightful power to do. If you who call yourselves Republicans shall, in obedience to what you consider a party behest, pass it in the vain expectation that the Republican principles of the old and true Jeffersonian school are dead, be assured you are indulging a fatal delusion. The old Jeffersonian, Democratic, Republican principles are not dead, and will never die so long as a true devotee of liberty lives. They may be buried for a period, as Magna Charta was trodden under-foot in England for more than half a century; but these principles will come up with renewed energy, as did those of Magna Charta, and that, too, at no distant day. Old Jeffersonian, Democratic, Republican principles dead, indeed! When the tides of Ocean cease to ebb and flow, when the winds of Heaven are hushed into perpetual silence, when the clouds no longer thunder, when Earth's electric bolts are no longer felt or heard, when her internal fires go out, then, and not before, will these principles cease to live,—then, and not before, will these principles cease to animate and move the liberty-loving masses of this country. Dead, indeed! What mean these utterances just heard from the Chief Magistrate of the Old Dominion on his entering into office, to which he has recently been chosen by a majority of over twenty-seven thousand, in a State which General Grant carried last year by a majority I need not name? A notable point in these utterances is what he said in them of President Grant. Hear them, and judge whether they come from one dead or alive. Says Governor Kemper in his first message:

"Adhering to those principles, Virginia seeks these ends: to secure and maintain her full constitutional rights and relations, and to perform all her constitutional duties, as one of the co-equal members of the Union; to exercise all rightful powers of self-government, and to determine, adjust, and regulate the internal, domestic, and municipal interests of her people, their relations and rights, including such as are known as civil rights, in strict conformity to the Federal Constitution and the late decision of the Supreme Court of the United States expounding recent amendments thereto, and the respective powers of the Federal and State Governments thereunder; to obtain an equitable settlement of her just claims against the common Government; to promote universal reconciliation upon the basis of equal justice to all the States and people; to cultivate harmonious relations with the common Government; and to yield a liberal support to every department thereof co-operating in the accomplishment of the ends thus sought. Virginia, recognizing no such obligations as bind her to any national party organization, maintaining her fidelity to all who are and who shall become allies in the defence of measures calculated to secure the ends named, is ready to co-operate cordially with men of whatever party in upholding those measures, by whomsoever proposed,—supporting those who support them, and opposing all opposition to them. One of the articles announcing the principles and purposes recently ratified by an overwhelming majority of our people declares that, disclaiming all purpose of captious hostility to the present Executive Head of the Federal Government, "we will judge him impartially by his official action, and will co-operate in every measure of his Administration which may be beneficent in design and calculated to promote the welfare of the people and

cultivate sentiments of good will between the different sections of the Union." This article was no political expedient of the hour. It embodies the sentiments of honorable men, and binds by the obligations of good faith and justice. It pledges such liberal support as may be consistent with our principles and justified by the developments of the future.'

"The principles here announced are in strict accordance with the old Jeffersonian, Democratic, Republican creed. As thus uttered they clearly indicate more than the dawn of that new epoch, and future new alignment of the elements of present party organizations in this country, to which I have referred. They are the key-note of that movement stirred by these old Jeffersonian principles, which, dead as some may suppose them to be, will, at no distant day, be the basis of as signal a triumph by that party which plants itself squarely upon them, whether styled Republican, Democratic, or by any other name, as was that achieved in 1800, under the guide of Jefferson himself. These are, indeed, the ever-living principles to which the country must return, and which alone lead 'to Peace, Liberty, and Safety!'"

Not long after the delivery of this speech Mr. Stephens was again prostrated by sickness, and all who knew him thought, as he himself believed, that his end was rapidly approaching, but neither this prospect nor his acute sufferings disturbed the equanimity of his spirit. Contrary to the injunctions of his physician, he insisted upon seeing the visitors who, drawn some by friendship and sympathy and some by curiosity, came every day in crowds; and it seemed as if the mental stimulus of conversation and discussion helped to keep him alive. Later in the spring he left Washington and returned home.

Some of Mr. Stephens's acts in this Congress were made the subject of rather severe censure. He had always had, and expressed more charitable views of General Grant and his Administration than were shared by his party. One thing in particular was fastened on for special animadversion. In the previous session Congress had passed an act increasing the salaries of the members, and doubling that of the President. Of the right of Congress to fix the compensation of its members there can be no question, and there is no doubt that the salary was insufficient to keep up the style of living which had grown into fashion at Washington with the depreciation of the currency. A great part of the enormous corruption among public officers at this time unquestionably had its origin in this fact. They were

expected to live in a certain style, to give entertainments, and so forth, and if their legitimate sources of income were insufficient, there was always the "lobby" at hand, ready and eager to pay lavishly for their vote and influence. No wonder that integrities, perhaps never very robust, succumbed to the prevailing influences. If it could have insured the honesty of the public service, it would have been an excellent thing to double or even triple their salaries; but of such happy result the public saw no guaranty. Still, the feeling would not have been so strong had not the majority of this Congress made itself in many ways specially odious; and this act seemed to fill up the measure. Some of the members refused from the first to accept the increased pay; others, when they found how strongly the public felt in the matter, returned it to the treasury. At the session in which he entered a bill was introduced to repeal this increase, and Mr. Stephens was courageous enough to oppose it; which he could do with a better grace than some others, as his bitterest enemy had never charged him with avarice or with taking a bribe. He looked at the matter as one quite irrespective of the faults or excellences of members or of their legislation. The old salary, he maintained, was altogether insufficient; the increase, considering the enhanced cost of living, was not excessive; and Congress had ample power to fix the salaries of its members and other public officers at what it might deem a proper rate.

It was thought by the opponents of Mr. Stephens that his action in the matters just mentioned had so lessened his popularity that he would not be proposed as a candidate for re-election in the fall. But at the meeting of the District Convention, when his name was presented, there was some opposition at first, but he was finally nominated unanimously. He entered into the campaign with as much energy as his weak health would permit, and at Greensborough, on September 17th, he made the first open-air speech he had delivered for nearly twelve years. He came forward limping on his crutches (which he has never been able to dispense with since his attack in 1869), and leaning on a desk provided for the purpose, delivered a long and eloquent address on the questions of the day. He also

spoke in October at Augusta. In both these speeches he defended the action of General Grant in the Louisiana business, on the ground that the President was compelled, by virtue of his office, to sustain the law and the decisions of the courts; and that if wrong was done to a State, the fault must be laid at the door of those who made bad laws, or gave wrongful decisions, and not at the door of the Executive.

His appearance in public was everywhere greeted with marks of esteem and confidence; and his popularity was so great, that the idea which had been entertained, of running an opposing candidate, was dropped, and he was again elected by the votes of both parties.

In the spring of this year, 1874, Mr. Stephens had been involved in a rather warm newspaper controversy with the Hon. B. H. Hill of his own State. Mr. Hill had delivered a "Historical Address," in which, as Mr. Stephens maintained, he had misrepresented certain facts in the history of the war, and in especial the facts in relation to the Hampton Roads Conference, and the attitude of Mr. Stephens toward the Confederate Administration. The controversy, turning on questions of honor and veracity, took a quite acrimonious tone, but came to an end after a while, as all such things do.\*

By this time he had disposed of his interest in the *Atlanta Sun*. Living always at Crawfordville, he had not been able to keep an eye on the business management of the paper, and was astonished to find that more than half his fortune had been sunk in it. From his *Constitutional View of the War* he had received about thirty-five thousand dollars,† and of this sum twenty thousand were gone. Although during a considerable part of his life his income from his law practice had been handsome, and his personal tastes and habits were of the simplest, yet the boundless hospitality of Liberty Hall, and his ever-ready bounty to all who needed, or professed to need, his assistance, had prevented the accumulation of any large fortune, and this loss by the *Sun* left him a comparatively poor man.

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\* This correspondence will be published hereafter in book-form if Mr. Stephens's health permits.

† He received a royalty of twenty-five cents per volume, the work being in two volumes. This would indicate a sale of seventy thousand copies.

He was not able to take any very active part in the session of 1874-75. His action at the close of the session in voting to take up and adopt the report of the Committee on Louisiana Affairs subjected him to some unjust censure. By his vote, which turned the scale, not only the consideration of that report was secured, but the great result was gained that the notorious Returning Board of Louisiana received the unanimous condemnation of the House. His course was soon after fully vindicated by the harmonious settlement of the Arkansas question. It is true that since that time we have seen the acts of this Returning Board, on a still more important question, upheld by the very men who then condemned them; but such a peripeteia no man could at that time have foreseen, nor do we believe it would have been sanctioned even then, except for the peculiar strait in which the leaders of the party found themselves.

During the summer of 1875, Mr. Stephens's health was so far restored that he was able to make several journeys into different parts of the State. On the 5th of July (the Fourth falling on Sunday) there was an unusually imposing celebration at Atlanta, where, as the orator of the day, he delivered an eloquent address, tracing historically the rise of American independence, the principles upon which the States united into a confederation, the origin and nature of the Constitution of 1787, and, in a word, the whole foundation of our political institutions; a task which his long and profound study of American political history qualified him to perform as few other men could have done. Dissenting entirely from the view of those distinguished Southerners who thought that under the circumstances in which the South was placed such a celebration was a mockery, he thought that now, more than ever, was the time to look back to the patriotic deeds of our ancestors, study the origin of the Republic, and while we measured the distance that we had travelled from the old ways in the process of a century, to resolve that we would use our utmost efforts to regain the right road and revive the ancient spirit. With this view also he strongly favored the proposed Centennial Celebration at Philadelphia, from which he hoped for happy results,—results which probably would have followed if all the people had been filled with his spirit.



He also delivered an address at Anthon Academy, in Houston County, of which H. G. Baldwin, A.M., was Principal, on the subject of Education. This address was printed in the newspapers throughout the State, and afterwards extensively circulated in pamphlet form.

In October of this year he was stricken down with one of the most violent attacks of illness he had ever suffered from, and was unable to reach Washington during the first session of the Forty-fourth Congress. He was confined to his bed for nearly nine months, and his life was frequently despaired of. He, however, at last slowly improved; and in July, 1876, a short time after he had been able to leave his bed, Mr. Johnston made him a rather prolonged visit, when the former was more than ever struck with the peculiar domestic economy of Liberty Hall. This is probably the only mansion in the country where the domestic and social arrangements are entirely unaffected by the sickness or health of the master of the house. Visitors come and go, partake of his hospitality, make themselves at home, whether he be able to receive them in person or not. Almost every train that stops brings coming guests and bears away departing. Dinner is served at one, and all who happen to be present take their places at the board. Later visitors take supper, and early ones breakfast; and as the night-train is sure to bring one or more who take what sleep the time allows, the breakfast-table always presents new faces.

Mr. Stephens's own habit was to rise at nine, and after dressing, to be rolled in his easy-chair out upon the piazza, where he usually called for a game of whist,—an amusement which had become a habit with him, and helped to solace many an hour of suffering. After an hour or two he returned to bed and rested till dinner, when he rose and took the head of his table, this being the only meal he took in the dining-room. After dinner conversation and whist were in order, and at seven he went to bed.

Crawfordville is situated on the Georgia Railroad, sixty-four miles from Augusta, and a hundred and seven from Atlanta, on the foot-hills of the great Alleghany ranges, and has an elevation of six hundred and eighteen feet above the sea. It is

an unpretending village, with an air of faded respectability as of one who has seen better days. Liberty Hall is just beyond the village, in a skirt of native forest. Large oaks and hickories, interspersed with many fine transplanted trees and choice exotics, are scattered over an inclosure of about three acres, casting a delightful shade over a grassy lawn. The house is a spacious one, and furnished with elegant simplicity. At the rear, separated by a piazza, are the owner's study and library, the latter more richly stored than is usual among Southern country gentlemen. His law library contains about fifteen hundred volumes; his miscellaneous library about five thousand, collected during many years, at a cost of more than sixteen thousand dollars.

During the visit referred to an incident of more than common interest occurred. The colored Sunday-schools of Taliaferro and the adjacent counties assembled to celebrate the Fourth of July in a grove near Crawfordville. They had previously expressed a wish to march in procession to Liberty Hall, after the celebration and the dinner, and sing some of their songs to Mr. Stephens, if agreeable to him, to which he cordially assented. The scene which followed we give in the words of an eye-witness.

"At about half-past two in the afternoon we saw them coming, preceded by the brass band of the village, and a goodly sight it was. Besides the eight or ten Taliaferro County schools, there were a number from Greene, Hancock, and Wilkes. Mr. Stephens was rolled in his chair out into the long piazza as the vast crowds advanced up the lawn. As the various delegations arrived at the piazza they filed alternately to right and left, and pausing under the shade of the trees, each in turn sang a song, and then, wheeling, retired to the rear until the last delegation had sung. Then, all forming in mass, a young colored man standing upon the steps announced that all the schools would sing several pieces in chorus.

"Perhaps you have never heard a Georgia negro sing. At all events, I am sure that you have never heard three thousand of them sing in chorus as they did on that afternoon, partly to please the invalid statesman whom of all men they honor and love the most, and partly in their humble way for the worship of God. As they began, there was some danger lest in such a throng the time of the music might be not well preserved; but Mr. Gorham, the leader of the band, stood forward on the piazza, and marking the time with his cane, the chorus kept in even harmony to the end. Such a sight and such a hearing I might desire, but cannot expect to witness again. Men and women, young and old, boys and girls, and even

some little children, lifted up their voices in that shady old grove, and sent them towards heaven in a flood of harmony in which not a discordant note was to be heard, in the midst of which the tears which we could not repress flowed from our eyes. The most of these schools had been taught Sunday-school music under the superintendence of their white pastors, and carried their music-books in their hands. The negro's voice is almost always true, and when, as in this case, it has had some training, it is wonderful to notice the harmony and compass which it can attain in numerous chorus. In such chorus these sang with all their heart and all their might on that afternoon. Their grand music,—I can find no fitter epithet,—their neat and orderly appearance, with their Sunday clothes and simple banners, not only gratified Mr. Stephens, but, as he afterwards said, enraptured him.

“When the whole chorus was over, the young man upon the steps, as the spokesman of the assembly, asked Mr. Stephens to address them. I have known him for many years, and have often heard him speak, but have never seen him under the influence of such intense feeling. He could not stand, but leaning forward in his chair, with his arms resting on the railing, spoke to the hushed crowd; and weak as he was, and even in that unfavorable position, his voice at times, under the inspiration of his feelings, rang out so that it could be heard at the village nearly half a mile distant. He told them how gratified he was to see the progress the colored people were making, especially in his neighborhood, amid the friendly relations of the two races; he advised them, cautioned them, encouraged them to persevere. He told them of the duties they owed to themselves, of the duty of educating their children that they might understand the position in which they were placed, the new responsibilities that rested on them, and the all-importance of a faithful and intelligent performance of duty. His heart seemed overflowing with kindness and benevolence, and he ceased only when he was too much exhausted to speak further.

“Several songs were then called for from separate schools, after which, as the sun was nearly set, they marched in file past, and each touched Mr. Stephens's feeble hand as they retired. Though greatly exhausted, he was reluctant to see them depart. That night, on his bed, he said that no celebration on that day had ever delighted him so much, and, if it had been God's will, he could almost have wished to die while listening to that music which of all he had ever heard was the most enrapturing. And then he spoke of the generally good condition of the negroes in that section, where many of them own snug little farms and other property, and between whom and their white neighbors the most friendly relations obtain. Though he said nothing of their attachment to him or his services to them, yet his strong feeling in the matter was very plain. It is delightful to see the many thousands of negroes in that section look up to him as their greatest and best earthly friend, and his influence on them has been most beneficent.”

During this summer he was attacked by so dangerous an illness that even a partial recovery seemed almost miraculous. But at the assembling of the nominating convention in his district, it seemed enough for his constituents to know that he was still alive, and he was nominated unanimously for the next Congress, and elected. He had so far recovered that he was able to go to Washington and take his seat. His appearance in the House is thus vividly described by a not altogether unfriendly newspaper correspondent :

"A little way up the aisle sits a queer-looking bundle. An immense cloak, a high hat, and peering somewhere out of the middle a thin, pale, sad little face. This brain and eyes enrolled in countless thicknesses of flannel and broadcloth wrappings belong to the Hon. Alexander H. Stephens, of Georgia. How anything so small and sick and sorrowful could get here all the way from Georgia is a wonder. If he were to draw his last breath any instant you would not be surprised. If he were laid out in his coffin he needn't look any different, only then the fires would have gone out in those burning eyes. Set, as they are, in the wax-white face, they seem to burn and blaze. Still, on the countenance is stamped that pathos of long-continued suffering which goes to the heart. That he is here at all to offer the counsels of moderation and patriotism proves how invincible is the soul that dwells in this shrunken and aching frame. He took the modified oath in his chair, and, when he had taken it, his friends picked him up in it and carried him off as if he were a feather. So old Thaddeus Stevens used to be picked up and carried in and out when this same man, of the same name and an opposite lineage, was the Vice-President of the Southern Confederacy. The old lion of Pennsylvania rests from the fight; and the great 'rebel' of Georgia, with the very shadow of death upon his face, lifts his failing voice in behalf of moderation and peace."

Not long after he had taken his seat he was again prostrated by an attack of pneumonia (January 1st, 1877), and laid upon a bed from which few of his friends dared to hope that he would ever rise. He was himself convinced that his end was near, but gave an example of how tenacious vitality may be, even in the frailest bodies. For weeks together he took almost no food, never slept but under the influence of narcotics, and grew more and more emaciated, until it seemed almost incredible that a form so attenuated could retain life at all, and he himself wondered that he did not die. Once a report of his death was telegraphed

all over the country, and most of the newspapers published obituary notices and short biographical sketches, which, afterwards, he found a sort of grim amusement in reading. All the houses in Crawfordville were draped with mourning. When the report was found to be false, the greatest joy prevailed; there were congratulations and handshakings, and the little town took holiday.

His spirits during this attack were at times unusually depressed. Being asked the reason of this, "Oh," he exclaimed, "to be unable to do anything of use to any one, and yet not to die!" His memory frequently reverted to his departed friends and kindred, with more than usual sadness; and with tears streaming down his cheeks he would repeat, again and again, the names of his father and mother, of his sister, and his beloved Linton.

On one occasion he and R. M. J. had been reading together some pages of a memoir of his brother. On the next day he thus wrote (by the hand of his secretary):

"I was full to overflowing when you left me last night. Had you lingered another moment, or said another word, I should have gushed into tears. Your reading the letters about Linton had stirred my grief afresh, and brought vividly to my mind the remembrance of the day you and he last spent together at my house. Oh, the memories of that day!"

He still persisted in seeing visitors, old and new; took a deep interest in the political events of the day, and would occasionally jest with a gaiety strangely contrasting with his death-like appearance. In the contest before the Electoral Commission, he strongly dissuaded from any forcible resistance, though he regarded the evidence as conclusive of great frauds in the returns from Florida and Louisiana, and thought that the Commission acted very wrongly in not going behind these returns and setting them aside on account of those frauds.

In an article published in the *International Review* (January, 1878) Mr. Stephens examined the whole question, from the historical point of view. He showed that the design of the Convention of 1787, in establishing the system of State Electoral Colleges, was not, as some alleged, to take the liberty of choice from the people, but "had its origin in the fixed purpose of the

fathers of the Republic to preserve the federative feature in that system of government for States united which they were framing. It was to preserve the individuality of the States, as the integral and equal members of the Government. They were forming a constitution for a number of States united in a Federal union, and not for a homogeneous mass of people, constituting a single State, commonwealth, or nation." It was because of their determination to secure this power to the States as States that the proposition to choose electors by direct vote of the people was persistently rejected. This feature is conspicuous in the provision for a failure to elect; in which case the House elects the President, but the vote is taken by States, each State having one vote. And in the count in ordinary cases it is done by both Houses in joint convention, where the combined Senators and Representatives from each State exactly equal her Electoral College.

The true rule, as shown by the Constitution, he maintains to be:

"That all matters appertaining to the count, involving questions of disputed votes, and all matters relating to the validity or invalidity of the returns furnished by the President of the Senate, as well as all questions touching the constitutional qualifications of electors, shall be determined by both Houses in joint convention. Had it been the intention that these questions should be determined by each House separately, . . . why was it not so expressly said? Why was the power of counting conferred on both Houses, if both Houses in joint action were not to determine the question? and how could both Houses in joint action determine such a question in any other way, as the Constitution stands, than by a *per capita* vote?"

The inference naturally follows that there is no defect in the Constitution; and that all that is necessary, to avoid any possible misconstruction, is, not the adoption of a joint rule, but the passage of a law to meet such cases should any such recur. The competency of Congress to raise a commission or establish a tribunal to decide the matters in dispute, Mr. Stephens does not deny, though he looks upon it as not the best mode of attaining the end.

The Electoral Commission having decided favorably to Mr. Hayes, Mr. Stephens at once advocated an acquiescence in the

decision. In conversation he remarked, "We had a first-rate case; but we lost it by imperfect pleadings." He was gratified by the course pursued by Mr. Hayes in removing the troops in South Carolina and Louisiana, and foresaw the happy results that speedily followed; and far from desiring to embarrass or discredit the Administration, he has always given his approval and support to such of its measures as were wise and salutary.

The health of Mr. Stephens during the summer of 1877 was rather better than usual. At the close of the session he returned to Georgia, and in September visited some friends in Baltimore and New York.

In the present session of Congress Mr. Stephens, with health much improved, has played a very prominent part, and never has he exercised greater influence, or been regarded with more general respect. The correspondent of a Northern paper said of him, in language scarcely exaggerated, "Whatever he wants done is done, and every measure he advocates passes." Through the kindness of Mr. Speaker Randall, he has had the use of the Speaker's room, in the rear of the chamber, and here he usually comes an hour or so before the meeting, and is punctual at roll-call. His seat is in the open area in front of the Speaker, where he occasionally exercises himself by rolling himself in his wheeled chair. Still, the business of the day is no small tax upon his strength, and he economizes the time spent in the House as much as possible. His long experience enables him to see, early in the day, the drift of the day's business, and he avails himself of any opportunity when he may retire without disadvantage. In this way he has gone through a surprising amount of business, among other things, leading in conduct of the great financial measure which has now become a law, and which he regards as highly beneficial.

Perhaps the most remarkable event in his career during the present session has been his speech in Congress on the 12th of February, at the uncovering of Carpenter's painting, "The Signing of the Emancipation Proclamation." This was the day on which he entered the sixty-seventh year of his age. It seemed almost an "irony of fate" that such a duty should be assigned to a former slaveholder and Vice-President of the Confederate

States. This speech was made off-hand, without notes, and was listened to by perhaps the largest audience ever assembled in the chamber. We give it in full in the Appendix.\*

This speech was extensively circulated and republished throughout the country. Congratulatory letters poured in from all parts of the country, and from men of all shades of party. But of all such letters, Mr. Stephens most highly appreciated one from President Barnard, of Columbia College, New York, which was as follows :

“COLUMBIA COLLEGE, NEW YORK, February 16th, 1878.

“TO HON. ALEXANDER H. STEPHENS :

“MY DEAR SIR,—I want to thank you with all my heart for your very beautiful, judicious, and patriotic address on the occasion of the presentation and reception of the Carpenter picture of Lincoln.

“It is indeed a marvellous thing how, after her trials, the South still continues to maintain her noble pre-eminence in statesmanship and in moral dignity ; and still more marvellous, perhaps, that one who has been so conspicuous in the councils of the Nation before the war, and also during the progress of that painful struggle had been identified with equal prominence with the Southern cause, should continue after all to command equally, North and South, a homage, a respect, and a confidence which are awarded by the people to hardly any other. It is a beautiful and a noble tribute to a character always consistently distinguished for unselfish devotion to principle and to a tone of sentiment so far elevated above the base and mean passions which disfigure so much of our public life, as to be almost without a parallel. The recent address to which I have referred is in perfect harmony with this character, and it has been read with deep gratification by millions of your countrymen.

“Very sincerely yours,

“F. A. P. BARNARD.”

A public measure in which he has felt great interest is the Texas Pacific Railroad Bill. He has been heard to say that as he began public life in advocating the State Road of Georgia, so he could wish to end it in seeing accomplished this project, which he regards as one of the greatest of modern enterprises.

Mr. Stephens's apartments in Washington, like his residence at Crawfordville, are the resort of hosts of visitors from all parts of the country, and almost all ranks of society. Some

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\* Appendix E.



come to pay visits of friendship, and to enjoy his society and conversation; others to talk with him on political matters; others to gratify curiosity; and some—and these are many—to appeal to his charity. All are received with readiness and kindness. His compassionate nature leads him to give as long as he has anything left from his necessary expenditures. His nearest friends sometimes venture to remonstrate with him on a bounty which seems to them too profuse and indiscriminate; but it is simply the truth that he has not the power to turn away a case of real or apparent need, even when he is aware, as he often is, that his only requital will be ingratitude. A long life of weary suffering, of both body and spirit, which has perhaps never had entire relief and rest for an hour, has made him intensely and painfully sympathetic with pain and distress in every form. The sight of a jail or a hospital is always distressing to him. What has sometimes been complained of as his too passionate defence at the bar of prisoners charged with high crimes has been, for the most, due to his exceeding pity and the consciousness that he was their only friend. When any of his own family or nearest friends was sick or afflicted, he seemed to feel their sufferings in his own being. Unworthy advantage is too often taken of this quick sympathy with distress. Against the remonstrances of his friends he does not argue, but simply preserves a habit which long continuance seems to have fixed unalterably.

What surprises all who meet Mr. Stephens for the first time socially is his appearance of unruffled cheerfulness. He is one of the most social and companionable of men; and when a few friends are gathered around him, mirth and laughter are sure to be stirring. At his board, whether at home or in his rooms in Washington, he is the most genial of hosts, presiding with easy grace, and charming his guests by his attentions and his unsurpassed fund of table-talk, which, however, he does not engross, being as good a listener as talker. No man welcomes a good jest with heartier glee. Yet no man is more prone to indulge in the sadness which comes of meditation upon times long past, departed friends, and the shortness of life,—even of a life protracted far beyond his own expectations, and full of activity.

When, after his guests have departed, he finds himself alone with some friend familiar with old friends and times, he often turns the talk upon these, and lives over again in memory, at once sweet and sad, the long-vanished past, sometimes until his speech is checked by a heart too full for words.

The causes to which Mr. Stephens's distinction is due have appeared sufficiently, we think, in the foregoing pages. Chief among them stand :

His unshaken faith in God, in His mercy and justice, as well as His wisdom and power.

His devotion to truth, leading him to search eagerly for it and to abhor all perversions of it. Hence his extreme and scrupulous accuracy in all statements, even those made in the heat of debate.

His courage, amid trials and dangers manifold, but especially the tendency to melancholy and misanthropy. The combat, almost to the death, with these foes, was waged with an invincible and indignant resolution, until it ended in triumph at last. This quality has often well bested him in collisions, both with individuals and with multitudes. He is never more determined, never more self-controlled, than when in the midst of a difficult and dangerous conflict. It was this quality, combined with his devotion to truth, that, as we have seen, so often led him to stand aloof from party alignment, and gladly risk the consequences of independent action.

His sagacity and clear-sightedness in regard to popular thought and feeling. It is remarkable that a man so often deceived by individuals should so accurately predict and determine the actions of multitudes. It is well known that he never organized a party action, State or Federal, that, conducted according to his suggestions, did not succeed.

His eloquence. This is a gift which he has assiduously cultivated and employed with eminent success. Few men in this country have known so well as he exactly what and how to speak on those critical occasions when momentous questions are trembling in the balance. His voice, though always that of a youth, has a singular sweetness and clearness, and surprising power, which, with the remarkable distinctness of his enuncia-

tion, render it easily audible to the extreme limits of a large assemblage. Though he usually speaks with calm deliberation, yet sometimes, especially in his younger days, he would rise to the highest passion. Then his dark, piercing eye would blaze with extraordinary lustre, as he poured forth a flood of ardent declamation. As a debater there are many who think this country has not yet produced his superior.

Lastly, his intense human sympathy, his most abounding gift. With uncommon capacity for loving, his life, outside of his public service, so unblest in its needs, desires, and yearnings, has been wholly devoted to others : first, and most fondly, to those nearest to him, but also to all whom he could serve, by active assistance wherever possible, and, where not possible, by commiseration and sympathy.

We have thus endeavored to portray a life which has been, in some respects, singularly eventful. Something we might add of his services in other fields,—in letters, in the encouragement of art and science, especially in those departments which tend to the promotion of material development, such as the telegraph, and his agency, in conjunction with Professor James P. Espy, in establishing that system of telegraphic weather reports in 1854 which afterwards gave rise to the Signal Service Bureau, by which not only human lives, but millions of property are yearly saved, and which he hopes no distant day will see linking in beneficent ties the whole civilized earth. But enough has now been done if we have succeeded in producing a full and candid record of the long, strange, and eventful life of one of America's wisest statesmen ; in tracing the career of the frail, sickly country boy, without means and with but few friends, rising, by his own exertions chiefly, until he has reached almost the highest honors his country could give, and which, we trust, he may yet long enjoy. We leave him in the midst of another conflict, which, so far as he is personally concerned, is perhaps the greatest of his life. Strange as it may seem, his strength is greater than it has been for years ; and at this moment the indications are that he will win another, his completest victory.



## APPENDIX A.

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### SPEECH ON NEBRASKA AND KANSAS.

*Delivered in the House of Representatives, February 17th, 1854.*

The House being in the Committee of the Whole on the state of the Union.

I WAS very anxious day before yesterday, Mr. Chairman, when the gentleman from Vermont [Mr. Meacham], and the gentleman from New York, upon my left [Mr. Fenton], addressed the House upon the subject of the Nebraska Bill, to make some remarks upon the same subject in reply to them. I desired to do so at the time, but the opportunity was not afforded me. And though I have lost some of the ardor of feeling which the occasion then excited, yet I think it important that these positions should be answered, and it is for that purpose that I rise to address the Committee to-day. I assure you I shall be as brief as possible.

The gentleman from Vermont [Mr. Meacham], if I understood the train of his argument, opposed the Nebraska Bill, as presented to the House, mainly upon the ground that it declares the eighth section of the act of 1820, preparatory to the admission of Missouri into the Union as a State, inoperative, because it is inconsistent with the principles of the acts of 1850, known as the Compromise of that year. This eighth section of the act of 1820 is that clause which, without any relation to the State of Missouri, prohibits slavery forever from all that part of the territory acquired by the Louisiana cession outside of Missouri north of 36° 30' north latitude. The argument of the gentleman consisted of the following series of assumptions:

First. That that restriction or prohibition was in the nature of a compact, or contract, as he called it.

Secondly. That it had been continuously adhered to from that time to this.

Thirdly. That the measure now proposed would be a violation of that compact.

Fourthly. That this breach of good faith would be attended with disastrous consequences to the peace, quiet, and repose of the country.

This, sir, was the outline of his argument. Now I propose to take up these positions, and show to the House, if not to the gentleman himself, that in every particle they are untenable.

In the first place, I state that that eighth clause of the act preparatory to the admission of Missouri into the Union, restricting slavery north of

36° 30', never was a compact. It never had any of the requisites or characteristics of a compact. A compact between whom? Between the North and South?

MR. MEACHAM.—I used the word "contract," not "compact."

MR. STEPHENS.—The gentleman from Vermont used the word "contract," as I said, but others have used the word "compact," and, in this connection, they both mean about the same thing. But what I was about to affirm is, that that "great Missouri Compromise" which Mr. Clay proposed, and with which his fame is identified, had nothing to do with this restrictive clause of the act of 1820. That compromise [Mr. Clay's] was in the nature of a "compact." It was a "compact" between the General Government and the State of Missouri. I am aware that the general opinion on this subject is very erroneous. This Mr. Clay fully explained in 1850. The common idea is, that Mr. Clay was the author of the prohibition of slavery north of 36° 30'. But such is not the fact. He did not even vote for it. That proposition came from a gentleman from Illinois. The compromise that Mr. Clay offered was afterwards. Its history is this: The people of Missouri, under the act of 6th March, 1820, went on and formed a State constitution, which contained a clause authorizing the Legislature to pass a law to prevent the immigration of free negroes; and when application was made for admission as a State into the Union, Congress refused the admission, unless that clause should be expunged. It was then that Mr. Clay brought forward his measure. Here it is:

"RESOLUTION PROVIDING FOR THE ADMISSION OF MISSOURI INTO THE UNION  
ON A CERTAIN CONDITION.

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into the Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the Constitution, submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of the said State, by solemn public act, shall declare the assent of the said State to the said fundamental condition, and transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.*

"JOHN W. TAYLOR,

*"Speaker of the House of Representatives.*

"JOHN GAILLARD,

*"President of the Senate, pro tempore.*

"Approved March 2d, 1821.

"JAMES MONROE."

This proposition, when submitted to the people of Missouri, and acceded to by them, as it was, may very properly be called a "compact." For there were parties to it,—the General Government on one side, and the people of Missouri on the other,—both agreeing to it. But not so with the eighth section of the act referred to,—there were no such parties to it,—that was nothing but a law, with no greater sanction than any other statute that may give place to subsequent legislation. There was no compact about it. Missouri never gave her sanction to it. She could not have been any party to it. She had no right to the territory outside of her limits. She had no power or authority to make any compact concerning it.

But the gentleman argued as if he considered this eighth section of the act of 1820, fixing the line of  $36^{\circ} 30'$ , north of which slavery should be forever excluded, and which is commonly called the "Missouri Compromise line," as a contract between the North and South, as the parties. How, then, stand the facts upon this point of view? How did this eighth section get into the bill of 1820? It was in this way,—the North insisted upon a restriction against the admission of Missouri as a State, which required her to abolish slavery within her limits, as a condition precedent to her admission,—the House passed a bill with such restriction,—to which the South were in mass opposed. In the Senate, on motion by Mr. Thomas, of Illinois, that clause containing a restriction on the *State* was stricken out, and this eighth section inserted in lieu of it. The South in mass were opposed to the State restriction, as I have said; but many of her members—a majority of two, I believe—voted for the substitute as the lesser evil of the two. In this way the substitute was carried as an amendment to the bill. This amendment was agreed to in the House by a vote of 134 to 42. Among these 42 noes are to be found the names of several of the most prominent men of the South. In this way this line of  $36^{\circ} 30'$  was incorporated in the bill of 1820, preparatory to the admission of Missouri as a State. And to this extent, and no other, can it be called a compromise, a contract, or compact. It was literally forced upon the South as a disagreeable alternative, by superior numbers, and in this way went upon your statute book as any other *law* passed by a majority of votes. So much, then, sir, for this "compact" or contract. Now let us see, in the second place, how it has been fulfilled or adhered to from that day to this.

The gentleman says it has been acquiesced in and conformed to for thirty years; and he asks, with much solemnity, if we are now about to violate and abrogate it? I have shown, sir, that the South was in no sense a party to this Congressional *restriction* north of  $36^{\circ} 30'$ , except as a vanquished party, being out-voted on the direct question; protesting against it with all her might and power. Yet, sir, notwithstanding this, and notwithstanding a large majority of her people from that day to this, as I think I may safely affirm, have held that clause of the Missouri act

to be unconstitutional, as it was based upon the principle of a division of the common territory between the free States and slave States of the Union, for the sake of peace and harmony, the South did patriotically yield, and was willing for all time to come to abide by it. I say *was*, because of *this* "Missouri Compromise," and the principles upon which it was founded, it may now be said "*Ilium fuit.*"

The issue I make with the gentleman upon this branch of his speech is, that this agreement or contract, as he argued it, between the North and the South as to the line of division between slave territory and free territory, has not remained undisturbed and inviolate for thirty years, as he affirms. It has been shamelessly disregarded by Congress repeatedly, and in principle was entirely superseded, as I shall show, by the principles established by your legislation in 1850.

But as much as the arrangement was originally obnoxious to the South, the charge of violation of it cannot justly be made against her. No, sir; no, sir; it was the North that refused to abide by her own bargain. This I affirm. Now let us see how the record stands upon the subject. The first time that this question came up afterwards, was within twelve months from the date of the act itself and before the same Congress. It came up on the application of Missouri for admission, in pursuance of the provisions of the very act that contains the "covenant." She had formed a State constitution in pursuance of it; she had violated none of its conditions. The whole South were for letting her be admitted, and the entire North, nearly, were against it. Here is the vote rejecting her admission,—the vote was 79 for it and 93 against it,—the North in mass, almost, against it. Why was this refusal? If they recognized the provisions of the act of March preceding as containing any section binding upon them in the nature of a "contract" or "compact," why did they refuse to fulfil it? The *pretext* assigned was, that the constitution of Missouri contained a clause empowering the Legislature to pass a law to prevent the introduction of free persons of color, as I have stated. But this could have been nothing but a pretext, for at that very day Massachusetts had a similar law in actual force upon her statute book. The truth is, the North at that early day showed that she did not regard the provisions of the act of 1820 as at all obligatory upon them as any thing like a *compact*. The real objection to the final admission of Missouri as a State was, that slavery was tolerated within her limits by her constitution. It was the old question which gave trouble before this "contract" of 1820 was made. It was then that Mr. Clay's compromise was adopted. Twelve months, therefore, had not passed before the North repudiated this compact by refusing Missouri admission without another compromise.

Well, the next time this question arose was on the admission of Arkansas into the Union in 1836. This State was formed out of a part of the Louisiana purchase south of 36° 30'. By the terms of the Missouri "contract," the gentleman from Vermont admits that she was to come in as a slave



State. Did the North then so recognize and act upon these terms? The gentleman from New York [Mr. Fenton] said that this division line had been approved by the North for thirty years. If so, I ask him when or where? Did they raise no objection when Arkansas applied for admission? Let us see; here is the record.

Mr. John Quincy Adams, in this House, June 13th, 1836, moved an amendment so as to make a section of the bill for the admission of that State read thus:

"And nothing in this act contained shall be construed as an assent by Congress to the article in the Constitution of the said State relating to slavery and to the emancipation of slaves," etc.

"Still harping on my daughter."

On a vote, the effect of which was to allow this amendment, there were 80 in favor of affording the opportunity. There were 109 on the opposite side, which prevented its being offered. Of these 80 votes, some were from the South. The object may have been to get a vote upon this distinct question of the recognition by the House of the line established in 1820. But after the amendment was ruled out on the direct vote for the admission of Arkansas with a constitution tolerating slavery, though she was south of 36° 30', there are 52 names under the lead of Mr. Adams in the negative,—every one of them, I believe, from the North,—I have the journal before me. And among these names I see Heman Allen, Horace Everett, Miland Hall, Henry F. Jones, and William Slade. The entire delegation from Vermont, and the gentleman's [Mr. Meacham's] own predecessor upon this floor, or he who then represented a portion of the same constituency that that gentleman now does, recorded his vote against the admission of Arkansas. Did he or his colleagues have any other objection to it except that it was a slave State? If they regarded the line of 36° 30' as a solemn covenant between the North and South, why did they not give it their sanction at that time?

The gentleman spoke of "honor,"—

"I thank thee, Jew, for teaching me that word."

Where was the "honor" of the representatives of Vermont on that occasion? In whose keeping was it placed? I suppose in the hands of their constituents, of whom the gentleman was one. The representatives from the gentleman's own State did then unanimously—most *dishonorably*, if he chooses so to characterize their conduct—repudiate that "contract" which the South never offered to disturb until it was totally abandoned by an overwhelming majority at the North, as I shall presently show. I have shown that it was disregarded within twelve months after it was made, and refused to be sanctioned by the representatives of the gentleman's own State in 1836, the first time it came up again.

The next time anything was said in our legislation about the "Missouri

line of  $36^{\circ} 30'$ ," was on the annexation of Texas. That measure was carried with that line in it, but not by Northern votes. It was the South, still willing to abide it, that carried it then. There were 125 Northern votes given on that occasion. Of these, only 51 were for the annexation with this line established in it; while there were 74—a large majority,—who refused to give it their sanction. I do not mean to say that all who voted against that measure were opposed to that line of settlement. Many of them had other reasons. And I know full well, for I was here, that of those 51 Northern men who voted for it, many of them would not have voted for the recognition of that line if the question had come up by itself. But those resolutions of annexation were so presented that they had to be taken as a whole or not at all. I allude to this vote merely because it was the next time in order when the question came up, and the vote certainly *fails* to show that the North, or even a majority of them, gave it their sanction. For that reason only I allude to it.

I come down now to another step of our progress,—to the period from the year 1847 to 1850. The gentleman from Vermont [Mr. Meacham] had a map for illustration, which he exhibited to us. He pointed out to us the boundary of the Louisiana purchase. It commenced at the mouth of the Sabine, ran up that river to the  $32^{\circ}$  of north latitude; thence due north to the Red River; thence up that river to the  $100^{\circ}$  of west longitude from Greenwich; thence due north to the Arkansas River, and up that river to the  $42^{\circ}$  of north latitude; and thence due west to the South Seas or the Pacific Ocean. By this map, and his demonstrations from it, it appears that we had a title ceded to us from France to territory extending to the Pacific Ocean. Well, that of course included Oregon,—that is, according to the gentleman's map, we derived title to Oregon under the cession from France in 1803, and that Territory was part of the Louisiana purchase. Mr. Jefferson so considered it, and sent Lewis and Clarke to explore the country.

Well, then, how did the South act towards this "solemn compact" as it is now called,—the line of  $36^{\circ} 30'$ ,—when we came to organize a Territorial government for Oregon in 1847? The southern boundary was the  $42^{\circ}$  of north latitude, and of course the whole of it lay north of  $36^{\circ} 30'$ . At this time (in 1847) we were in a war with Mexico, and it was well understood to be the policy of the Administration to acquire territory from that Government, which, in all probability, would to some extent be south of the line  $36^{\circ} 30'$ . From the votes of the House upon what was well known as the "Wilmot Proviso," the South had just reasons to apprehend that it was the fixed determination of a majority of the North to disregard entirely what is now called the "sacred covenant of 1820." When, therefore, the bill to organize a Territorial government for Oregon came up in this House on the 15th of January, 1847, Mr. Burt, of South Carolina, to take the sense of the North directly upon the question of *abiding* by this

line of  $36^{\circ} 30'$ , moved as an amendment to that clause in the bill which excluded slavery forever from the Territory, these words:

... "inasmuch as the whole of said Territory lies north of  $36^{\circ} 30'$  north latitude, known as the line of the Missouri Compromise."

The object of this amendment was to put a direct test to the North whether they intended to recognize the principle upon which the controversy on the subject of slavery in the Territories was disposed of in 1820 or not. Sir, the North understood the question fully and clearly, and they met it promptly,—their response was that they did not. Here is the vote upon this question: there were in this House then 82 votes for Mr. Burt's amendment, and 113 against it! Of these noes, every man was from the North. Every Southern man in the House voted for it. And of the 82 who voted to adhere to the principle of that adjustment, not as something too sacred to be touched, but for the sake of peace and quiet, there were I believe but six from the whole North,—they were Douglas and Robert Smith, from Illinois; Cunningham and Parish, from Ohio; Charles J. Ingersoll, of Pennsylvania, and Hastings, of Iowa. Every man from Vermont and New York voted against it.

In the face of this record, the gentleman from Vermont [Mr. Meacham] and the gentleman from New York [Mr. Fenton], in their places upon this floor, two days ago, declared that this "Missouri Compromise" had met the approval of the North for thirty years. The South, in this instance, proposed it unanimously as a "peace-offering," and it was almost as unanimously rejected by the North. "*Honor*," I think, the gentleman said. They rejected it over territory to which we derived title by the very cession alluded to in the act of 1820. And so thoroughly opposed were they to giving it their approval, and so bent upon its total abrogation, that they refused to affirm the principle when they got all by the affirmation. "*Honor!*" indeed! But, sir, to proceed. This bill was defeated in the Senate, I believe. It did not become a law. The question came up again in 1848. Another bill was brought forward to establish a Territorial government for Oregon. The Senate put in the following amendment:

"That the line of  $36^{\circ} 30'$  of north latitude, known as the Missouri Compromise line, as defined by the eighth section of an act entitled 'An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6, 1820, be, and the same is hereby, declared to extend to the Pacific Ocean; and the said eighth section, together with the compromise therein effected, is hereby revived and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

It came up for action in this House on the 11th of August, 1848. On the question to concur with the Senate in this amendment, the yeas were

82, and the nays 121. I have the vote before me. This was a proposition to *revive* and declare in force a provision which is now claimed to have been held all the time as a *sacred compact*,—almost as sacred as the Constitution itself; and it was rejected by an overwhelming majority in this House,—rejected, sir, by the North. The South was again unanimous for it. From the North at this time I think there were but four votes for it,—Birdsall, from New York; Charles Brown, Charles J. Ingersoll, and Brodhead, from Pennsylvania. Here is the journal. This proposition in the Senate was moved by Mr. Douglas. It received every Southern vote in that body, and was opposed by every Northern vote except Douglas, Dickinson, Bright, Cameron, Hannegan, Sturgeon, and Fitzgerald. The vote on the adoption of it in that body was 33 to 21. Mr. Calhoun, who was well known to be opposed to the principle on which it was founded, gave it his support.

But upon the rejection of this amendment by the House, and a disagreement between the two Houses upon it, the amendment was lost, and the Oregon Bill passed, and received the sanction of the President without this *recognition* of the Missouri Compromise, but in the face of its open repudiation and abrogation by the North. This, sir, is the truth of history, and so let it be written. And with what sort of face can gentlemen, with these facts before them, rise up here and say that this compromise has been undisturbed and acquiesced in for thirty years? But, sir, there is still another chapter in this history.

At the close of the war with Mexico, extensive territories, as was expected, were acquired,—territories extending south as well as north of the line of 36° 30',—constituting a public domain of hundreds of thousands of square miles, purchased by the common blood and common treasure of the people of the South as well as the North. The policy of the advocates of the "Wilmot Proviso" from the beginning had been to appropriate the whole of this immense region exclusively to the North. Hence their uniform hostility to the Missouri Compromise, because that was founded upon the principle of division. Their determination was to have all. The South was still willing to divide, notwithstanding the policy which she ever advocated was to leave all the Territories open for the occupancy and colonization of the people of the whole country, from whatever section they might emigrate, with the liberty of forming such institutions, upon a republican basis, as they might deem most conducive to their happiness, interest, and prosperity, without any Congressional restriction or dictation whatever. This was always the doctrine maintained at the South. She was willing to divide, only as an alternative between that and a greater evil. To an entire exclusion, by act of Congress, she had made up her mind never to submit, let consequences be what they might. This was the state of things upon the assembling of the Thirty-first Congress. The events of that Congress are too recent and vivid upon the recollection of all to need a rehearsal. The majority of the North still proclaimed their determination

to appropriate the whole of the public domain to themselves. Both sections stood in hostile array against each other. The strife became so embittered and fierce that legislation was paralyzed, and everything seemed to threaten confusion and anarchy. The South again repeatedly proposed a settlement upon the Missouri line. The proposition was made in this House, on the part of the South, for the last time, on the 13th day of June, 1850. It was in these words:

*"Provided, however, That it shall be no objection to the admission into the Union of any State which may hereafter be formed out of the territory lying south of the parallel of latitude of 36° 30', that the constitution of said State may authorize or establish African slavery therein."*

This proposition was rejected in committee of the whole upon a count by tellers,—ayes 78, noes 89. It was the last time, sir, it was ever offered. When the North had again, and again, and again, for three years, refused to abide by it, the South, driven to the wall upon it, was thrown back upon her original rights under the Constitution. Her next position was, that territorial restriction by Congress should be *totally abandoned*, not only south of 36° 30', but north of that line, too! Upon this ground she planted herself on the 15th day of June,—the debates in this House on that day were more exciting, perhaps, than ever upon any day since the beginning of the Government. It was upon that day I put the question directly to a distinguished gentleman, then here from Ohio [Mr. Vinton], whether he would vote for the admission of any slave State into the Union, and he refused to say that he would. The determination, as manifested by the votes of the majority of the North, was to apply legislative restriction over the whole of the common territory, in open and shameless disregard of the principles of the so-called Missouri Compromise, notwithstanding the gentleman from Vermont says that it has been adhered to and held inviolate for thirty years. It was on that day, sir, that a distinguished colleague of mine [Mr. Toombs], then on this floor, now in the other wing of the Capitol, made that speech which has become somewhat famous in our State, in which he said, with eloquence seldom heard within these walls:

*"We do not oppose California on account of the anti-slavery clause in her constitution. It was her right, and I am not even prepared to say that she acted unwisely in its exercise,—that is her business; but I stand upon the great principle that the South has a right to an equal participation in the Territories of the United States."*

*"Deprive us of this right and appropriate this common property to yourselves,—it is then your Government, not mine. Then I am its enemy; and I will then, if I can, bring my children and my constituents to the altar of liberty, and, like Hamilecar, I would swear them to eternal hostility to your foul domination. Give us our just rights, and we are ready as ever heretofore, to stand by the Union, every part of it, and its every interest; refuse it, and, for one, I will strike for independence."*

It was then, when the North had refused all compromise, and went

into the contest for the "whole or none," that the South took up the gage, planted herself upon her original ground, armed, as she conceived, in the panoply of truth; and her representatives boldly meeting those arrayed, not only against her rights, but a great principle of free government, face to face, said:

"Lay on, Macduff;  
And damn'd be he that first cries, Hold, enough!"

The grounds she then took were, that there should be no settlement of this territorial controversy but upon the recognition of her original principles, which were, that all Congressional restrictions upon this subject were wrong, and should be totally abandoned. This was the basis of her *ultimatum*, as then proclaimed. It was offered in this House on the 15th day of June, 1850. No decision was had on it. It was offered two days after in the Senate to the then pending Compromise Bill in the Senate. This proposition was in these words:

"And when the said Territory, or any portion of the same, shall be admitted as a State, it shall be received into the Union with or without slavery, as their constitution may prescribe at the time of admission."

The whole question of slavery or no slavery was to be left to the determination of the people of the Territories, whether north or south of 36° 30', or any other line. The question was to be taken out of Congress, where it had been improperly thrust from the beginning, and to be left to the people concerned in the matter to decide for themselves. This, I say, was the position originally held by the South, when the Missouri restriction was at first proposed. The principle upon which that position rests lies at the very foundation of all our republican institutions; it is that the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from intermeddling restrictions and arbitrary dictation on such matters from any other power or government in which they have no voice. It was out of a violation of this very principle, to a great extent, that the war of the Revolution sprang. The South was always on the republican side of this question, while the North—no; or, at least, I will not say the entire North, for there have always been some of them with the South on this question; but I will say, while a *majority* of the North, under the *free-soil* lead of that section, up to the settlement of the contest in 1850—were on the opposite side.

The doctrine of the *Restrictionists* or Free-Soilers, or those who hold that Congress ought to impose their arbitrary mandates upon the people of the Territories in this particular, whether the people be willing or unwilling, is the doctrine of Lord North and his adherents in the British Parliament toward the colonies during his administration. He and they claimed the right to govern the colonies "in all cases whatsoever," notwithstanding the want of representation on their part. The doctrine of the South upon

this question has been, and is, the doctrine of the Whigs in 1775 and 1776. It involves the principle that the citizens of every community should have a voice in their government. This was the doctrine of the people of Boston in 1775, when the response was made throughout the colonies, "The cause of Boston is the cause of us all." And if there be any here now who call themselves Whigs arrayed against this great principle of republican government, I will do toward them as Burke did in England; I will appeal from "the *new* to the *old* Whigs."

I say nothing of the constitutional view of the question. When I have been asked if Congress does not possess the power to impose restrictions or to pass the "Wilmot Proviso," I have waived that issue; I never discuss it. On that point I have told my constituents, and I tell you, I treat it as Chatham treated it in the British Parliament, when the question of power to tax the colonies without representation was raised there. That question Chatham would not discuss; but he told those who were so unjustly exercising it, that if he were an American he would resist it. The question of power is not the question; the question is, is it right thus to exercise it? Is it consistent with representative republican government to do it? That is the question. Where do you new latter-day Whigs from the North stand on this question? Will you take the side of Lord North and the British Tories, and maintain that it is the duty of this great Government, with its superior wisdom, to legislate for the freemen of this country, as free-born as yourselves, who quit your State jurisdictions and seek new homes in the West?

And where do you, calling yourselves Democrats from the North, stand upon this great question of popular rights? Do you consider it democratic to exercise the high prerogative of stifling the voice of the adventurous pioneer and restricting his suffrage in a matter concerning his own interest, happiness, and government, which he is much more capable of deciding than you are? As for myself and the friends of the Nebraska Bill, we think that our fellow-citizens who go to the frontier, penetrate the wilderness, cut down the forests, till the soil, erect school-houses and churches, extend civilization, and lay the foundation of future States and empires, do not lose by their change of place, in hope of *bettering* their condition, either their capacity for self-government or their just rights to exercise it, conformably to the Constitution of the United States.

We of the South are willing that they should exercise it upon the subject of the condition of the African race among them, as well as upon other questions of domestic policy. If they see fit to let them hold the same relation to the white race which they do in the Southern States, from the conviction that it is better for both races that they should, let them do it. If they see fit to place them on the same footing they occupy in the Northern States, that is, without the rights of a citizen or the protection of a master, outcasts from society, in worse condition than Cain, who, though sent forth as a vagabond, yet had a mark upon him that no man should

hurt him,—I say, if they choose to put this unfortunate race on that footing, let them do it. That is a matter that we believe the people there can determine for themselves better than we can for them. We do not ask you to force Southern institutions or our form of civil polity upon them; but to let the free emigrants to our vast public domain, in every part and parcel of it, settle this question for themselves, with all the experience, intelligence, virtue, and patriotism they may carry with them. This, sir, is our position. It is, as I have said, the original position of the South. It is the position she was thrown back upon in June, 1850. It rests upon that truly national and American principle set forth in the amendment offered in the Senate on the 17th of June, which I have stated; and it was upon the adoption of this principle that that most exciting and alarming controversy was adjusted. This was the turning-point; upon it everything depended, so far as that compromise was concerned.

I well recollect the intensity of interest felt upon the fate of that proposition in the Senate. Upon its rejection in the then state of the public mind depended consequences which no human forecast could see or estimate. The interest was enhanced from the great uncertainty and doubt as to the result of the vote. Several Northern Senators, who had before yielded the question of positive restriction,—that is, the “Wilmot Proviso,”—had given no indication of how they would act upon this clear declaration that the people of the Territories might, in the formation of their State constitutions, determine this question for themselves. Among these was Mr. Webster. Just before the question was put, and while anxiety was producing its most torturing effects, this most renowned statesman from New England arose to address the Senate. An immense crowd was in attendance. The lobby, as well as the galleries, was full. All eyes were instantly turned toward him, and all ears eager to catch every word that should fall from his lips upon this, the most important question, perhaps, which had ever been decided by an American Senate. His own vote, even, might turn the scale. That speech I now have before me. In it he declared himself for the amendment. His conclusion was in these words:

“Sir, my object is peace,—my object is reconciliation. My purpose is not to make up a case for the North, or to make up a case for the South. My object is not to continue useless and irritating controversies. I am against agitators North and South; I am against local ideas North and South, and against all narrow and local contests. I am an American, and I know no locality in America. That is my country. My heart, my sentiments, my judgment, demand of me that I should pursue such a course as shall promote the good, and the harmony, and the union of the whole country. This I shall do, God willing, to the end of the chapter.”

The reporter says:

[“The honorable Senator resumed his seat amidst the general applause from the gallery.”]

Yes, sir; he did. I was there, and witnessed the scene; and no one, I fancy, who was there, can ever forget that scene. Every heart beat easier.



The friends of the measure felt that it was safe. The vote was taken,—the amendment was adopted. The result was soon communicated from the galleries, and, finding its way through every passage and outlet to the rotunda, was received with exultation by the crowd there; with quick steps it was borne through the city; and in less than five minutes, perhaps, the electric wires were trembling with the gladsome news to the remotest parts of the country. It was news well calculated to make a nation leap with joy, as it did, because it was the first step taken toward the establishment of that great principle upon which this Territorial question was disposed of, adjusted, and settled in 1850. It was a new step in our governmental history. From the beginning, nothing had been the cause or source of so much sectional feeling and strife as this question of slavery in the Territories,—a question so nearly allied in principle to the old controversy between the colonies and the mother-country.

With the colonies the question was not so much the amount of taxation; it was not the small duty on tea,—that was far from being oppressive,—but it was the *principle* on which it was placed; it was the principle asserted and maintained in the “*preamble*,” that our forefathers resisted by arms. And Mr. Webster well said, on some occasion, that the American Revolution was “fought against a preamble.” That preamble asserted the right, or power, of the home government to govern the colonies in all cases. It was against that principle the war was commenced.

The cause of right in which the men of '76 engaged was vindicated in the success of the Revolution and the disruption of the British Empire. And, as a coincidence worthy to be noted, it so happened that this kindred principle of the proper and just rights of the people of our territories, or colonies, made its first step toward ultimate success on the anniversary of the battle of Bunker Hill. It was on the ever memorable 17th day of June. It was on that day (1775) the blow was struck, by the colonists at Boston, against the unwise, unjust, and arbitrary policy of Lord North. And it was on the same day, just seventy-five years after, that the unwise, unjust, and arbitrary policy, to say no more of it, of this General Government—attempting to compel the people of our Territories to adopt such institutions as may please a majority of Congress, without consulting the rights, interests, or wishes of those immediately concerned—was, for the first time, abandoned by the American Senate *without a blow*. It is fortunate for us, and fortunate for millions that shall come after us, that it was abandoned without a blow. Had the restrictionists of this country held out as Lord North's ministry did in their policy, it might have ended in consequences most disastrous to our common well-being, and the hopes of mankind. But they did not. The power of truth prevailed. Patriotism trampled over faction. And as soon as this great American principle—I so call it because it lies at the foundation of all our republican institutions—was vindicated in the Senate, the House did not again resume the subject. We waited until the bills came from the Senate. The same

provision as that I have read was put in the New Mexico Bill. That swept away the restriction that had been put in the Texas annexation resolutions over all that part of Texas lying north of  $36^{\circ} 30'$ , included in the present Territory of New Mexico. The House took up these bills, after they were passed by the Senate with these amendments, with this new principle incorporated in them, and gave them their sanction.

This, sir, is what is called the Compromise of 1850, so far as this Territorial question is concerned. It was adopted after the policy of dividing territory between the two sections, North and South, was wholly abandoned, discarded, and spurned by the North. It was based upon the truly republican and national policy of taking this disturbing element out of Congress, and leaving the whole question of slavery in the Territories to the people, there to settle it for themselves. And it is in vindication of that *new principle*—then established for the first time in the history of our Government—in the year 1850, middle of the nineteenth century—that we, the friends of the Nebraska Bill, whether from the North or South, now call upon this House and the country to carry out in good faith, and give effect to the spirit and intent of those important measures of Territorial legislation. The principle of those Territorial acts was utterly inconsistent with everything like Congressional restriction. This is what we wish to declare. And this principle, carried out in good faith, necessarily renders all antecedent legislation inconsistent with it inoperative and void. This, also, we propose to declare.

The restriction imposed by the eighth section of the act of 1820—thrown into that act out of place and without any legitimate connection with it, like a fifth-wheel to a wagon—is just such antecedent legislation. The principle on which it was based has been abandoned, totally abandoned, as I have shown, by those who now contend for it, and superseded by another, a later, a better, and a much more national and republican one. We do not propose to repeal “any compact,” or to violate faith in any sense,—we only invoke you to stand upon the Territorial principle established by what is known as the Compromise of 1850. That has already received the sanction of an overwhelming majority of the American people, as I doubt not it always will receive when fairly presented. I have seen it suggested, that if a proposition should be made to extend the provisions of this bill to the guarantee to the South in the Texas annexation resolutions for the admission of slave States from Texas south of  $36^{\circ} 30'$ , such proposition would certainly defeat it. By no means, sir; those who reason thus show nothing so clearly as how little they understand the real merits of the question.

That guarantee, secured in the Texas resolutions, so far as the character of the institutions of such States, hereafter to be formed, is concerned,—that is, whether they be slave or free,—is, itself, in perfect accordance with the present provisions of this bill. That guarantee was not that those new States should be slave States, but that the people there might

do as they please upon the subject. The reason that the guarantee was important, at the time, was, because the policy of Congressional *restriction* had not then been abandoned. The South never asked any discrimination in her favor from your hands. All that the South secured by those resolutions, so far as the character of the States is concerned, was, simply, that they should be admitted at a proper time, "either with or without slavery," as the people may determine. As to the number of States, that is a different question. So that if you should repeal that so-called guarantee for *slave* States, by extending this bill to that country, you would only erase to fill again with the same words. We ask no discrimination in our favor. And all we ask of you men of the North is, that you make none in your own. And, why should you? Why should you even have the desire to do it? Why should you not be willing to remove this question forever from Congress, and leave it to the people of the Territories, according to the Compromise of 1850? You have greatly the advantage of us in population. The white population of the United States is now over twenty millions. Of this number, the free States have more than two to one, compared with the South. There are only a little over three millions of slaves.

If immigration into the Territories, then, should be assumed to go on in the ratio of population, we must suppose that there would be near seven white persons to one slave at least; and of these seven, two from the free States to one from the South. This is without taking into the estimation the immense foreign immigration. With such an advantage are you afraid to trust this question with your own people?—men reared under the influence of your own boasted superior institutions? With all the prejudices of birth and education against us, are you afraid to let them judge for themselves? Are your "*free-born*" sons, who never "breathed the tainted air of slavery," such *nincompoops* that they cannot be "trusted out without their mothers' leave"? It must be so, or else another inference is legitimate and clear; and that is, that notwithstanding all your denunciations of the "hated and accursed institution," you have an inward consciousness that it is not so bad after all, and that the only way you can keep wise, intelligent, and Christian men, even from New England itself, from adopting it, is to set yourselves up as self-constituted guardians and law-makers for them. I consider your policy and the tenacity with which you hold to it, as the fullest and amplest vindication of the institutions of the South against all your misrepresentations, abuse, and billingsgate about them.

I think, sir, I have shown conclusively that the line of 36° 30', known as the Missouri Compromise line, never was a "compact," in any proper sense of that term. And even if it was, that it has been disregarded broken, and trampled under-foot by the parties who have lately so signalized themselves as its champions and defenders. I have shown that while the South was opposed to the policy by which it was adopted, and

took it as a disagreeable alternative, yet she never offered to disturb it, but was willing to abide by it for the sake of peace and harmony. I have shown, also, that the present measure is no "*breach of faith*," but that its object is to carry out and give effect to the great Territorial principle established in 1850.

It remains for me now to say something upon the last part of the speech of the gentleman from Vermont; and that is, the great excitement that this measure is likely to produce. The country was in peace and quiet, says the gentleman, until this bill was introduced. Well, sir, who raises any excitement now? Whence does the opposition come? And what are the reasons for it? The North, it is said, is to be excited. And excited about what? Why, because Congress, when this bill passes, will have recognized the Territorial principle established in 1850, and declared all antecedent legislation over the Territories of Kansas and Nebraska inconsistent with that principle inoperative and void. And what is the harm or mischief to be done? Why, nothing, but extending to the freemen of Kansas and Nebraska that privilege which ought to be the birthright of every American citizen,—to have a voice in forming the institutions, and passing the laws under which he is to live. That is all. Who, then, is to be agitated at this monstrous outrage? Why, nobody but those who wish to impose an unjust restriction upon a freeman's franchise; nobody but those who deny to a portion of their fellow-citizens a fitness or capacity for republican government. Nobody but those who would maintain the same policy on the part of the General Government toward the people of the Territories which Lord North and his Tory confederates, on the part of England, held toward the colonies. That there may be, and that there are, some such bodies I do not doubt. But who are they, and what is their force? They are nothing but the fragments of the old "Wilmot Proviso," "Free-Soil," and "Abolition Phalanx," attempting to rally their broken and routed columns by this hypocritical cry about the sacredness of compacts. Who ever expected to see the New York *Tribune* and the *Evening Post*, and such newspapers, pouring forth their invocations in behalf of the "sanctity of the Missouri Compromise"? The men who thus cry aloud now are the very same who denounced every man at the North who voted to maintain that line, while the question was open, as a "dough-face" and "traitor." They thought then that they had the world in a swing, and would have everything their own way; not satisfied to have "the Wilmot" fixed upon all territory north of 36° 30', they determined to have it fixed upon the whole of the public domain. With this spirit they went into the contest. And so far from getting it fixed where it was not, they came out of the contest with the establishment of a *principle*, which took it off where it was fixed before. Like the man that failed properly to use his talent, they had taken away from them "even that which they had." They went a "woolling," and came back thoroughly "fleeced" themselves,—hence their desperation. That such men may

rail, and rave, and rage, may be expected. Let them rage on. Had they, and men of like opinions before them, never thrust their unjust and anti-republican territorial policy in the halls of Congress, there never would have been sectional strife within these walls. Whatever of party conflicts we might have had growing out of questions of legislation for so vast a country as ours is, with all its complicated and diversified interests, we should have been saved from this lamentable quarrelling about *State institutions*, which threatened such fearful consequences in 1850.

But, sir, we are told that discord once reigned in heaven. The evil spirit of pride and ambition, craving powers and prerogatives not proper or legitimate, entered the breasts of those admitted even to the presence of the Most High ; jealousy, envy, and hate produced not only words, but blows, between archangels ministering round his throne.

“Long time in even scale  
The battle hung.”

These unholy conflicts, so unsuited to that place, were never composed until heaven's First-Born, clothed in the majesty of divine power, arose and hurled the factious hosts from the empyrean battlements to the bottomless pit below.

“Nine days they fell; confounded chaos roared,  
And felt tenfold confusion, in their fall,  
Through his wild Anarchy: so huge a rout  
Encumber'd him with ruin. Hell, at last,  
Yawning, received them whole, and on them closed:  
Hell, their fit habitation, fraught with fire  
Unquenchable, the house of woe and pain.  
Disburden'd Heaven rejoiced, and soon repaired  
Her mural breach, returning whence it rolled.”

From that profound deep, below which there was no lower deep, they still sent up much cursing, wailing, howling, and hissing.

So, sir, in these halls, sacred to national purposes, and those objects for which the Government was formed, we have had peace-destroying feuds and unseemly conflicts engendered and instigated by the fell demon of “Restriction,” or “Wilmot Proviso,” which once stalked with insolent brow, in our very midst. These scenes lasted until the Genius of our country rose in its might, on the 17th of June, 1850, armed with the great American principle of self-government, which had borne our fathers through the struggle of the Revolution, and drove the hideous monster, with all his impious crew, from the Capitol,—cast them out and hurled them downward to that low deep from which their plaintive howls now ascend.

These convocations at the Tabernacle and at Chicago and elsewhere—the ravings of the infidel preacher, Theodore Parker, and all his weaker followers—are but the repetition of the Pandemonium scenes; there con-

sultations were held, and grave debate had, how the banished fiends should regain their lost estate, "Whether by open war or covert guile." These manifestations may be expected. We have had them before,—yea, and much more violent, too. When the Compromise of 1850 was passed, these same men declared open war against its provisions. "Repeal!" "Repeal!" was blazoned upon their banners; mobs were got up in Boston, in Syracuse, and at Christiana; blood was shed by these resisters of the law. The spirit of the North was appealed to in fanatic accents. That spirit answered in prompt and patriotic tones of popular reprobation at the ballot-box, just as it will do again. These threats of what will be the fate of, and "political graves" of, Northern men who vote for this bill, can fright nobody but old women and timid children. They are worse than ghost stories,—we have heard them before.

I recollect well with what eloquence a gentleman from Ohio [Mr. Root] some years ago, in this House, spoke of the deep degradation that awaited every man at the North who should dare to vote against the Wilmot Proviso. No patronage of the Government could save him; no land-office, ever so remote, could keep him from being hunted down, ferreted out, and held up to the just scorn of an indignant constituency. But his prophetic warning came far short of becoming history. Northern men did abandon the Proviso. In doing so they acted wisely, justly, nobly, and patriotically; and so far from digging their political graves by the act, they have but planted themselves deeper and firmer in the hearts, love, affection, and admiration of their countrymen.

The same "scarecrow" was held up to Northern men who occupied national ground on the admission of Missouri. It was said then that they would find "their graves" in the ground where they stood. And some pretend now to say that such was the fact. But in the record I have before me, I see, among the very few from the North who did then stand up for the right against the huge clamor that was raised against them, the names of Baldwin, from Pennsylvania; Holmes, of Massachusetts; and Storrs, of New York; and Southard, of New Jersey. Where did Southard find his grave? Mr. Baldwin was afterwards one of the judges of the Supreme Court of the United States. Mr. Holmes, when Maine was admitted as a State, was elected to the Senate, and held that highly honorable post, for aught I know, as long as he wanted it.

Mr. Storrs, who was a man of great talents, never lost the confidence of his constituents. Had he not been cut down by death at an early age, he might, and most probably would, have attained the highest honors of the country, not excepting the chief magistracy itself. These statesmen found "political graves" where many of those who now rail so fiercely would, doubtless, be very willing to find theirs. But of those who espoused the side of the *restrictionists* at that time I do not see the name of a single man who ever attained high political distinction in this country. Their very memories, in most instances, have passed away, and their "*graves*,"

if they have any, would be about as hard to find as that "of Moses in the wilderness."

So much, then, for these threats. They are but the "ravings," and "howlings," and "hissings" of the beaten and routed ranks of the factionists and malcontents. They are the wailings of the politically condemned, coming up from the bottom of that deep pit where they have been hurled by a patriotic people for the good, the peace, quiet, and harmony of the whole country. We need not expect to silence them,—the friends and advocates of the Compromise of 1850 did not expect or look for that at the time. That would have been a forlorn-hope; and though many of the enemies of the compromise, of the North, who were beaten in the great battle of 1852, have since seemingly surrendered and begged for quarters, pretending to be ready to acquiesce, I must be permitted to say on this occasion, without any wish to push myself in the New York contest, I have very little confidence in the integrity of their professions. They fought the compromise as long as there was any prospect of making anything by fighting it. When whipped, routed, and beaten, then, like craven and mercenary captives, they turned to power, to see if anything could be made there by subserviency and sycophancy. I have no faith in their conversion,—never have had any. Warmed into life again by the genial rays of Executive patronage, I have always thought, and still think, that they will only become the more formidable whenever the occasion offers for their real principles to manifest themselves. Hydrophobia can never be cured,—it will break out on the changes of the moon. And so with the disease of *negromania*. Sir, the viper will hiss and even sting the bosom that nurtures and fosters it. Whether I am right in this anticipation, or whether this Administration is right in its present policy, we shall see.

But we who stood by the Compromise of 1850, and intend to stand by it now, and carry it out in good faith, are not to be moved by any clamor got up by its old enemies; nor are we to be shaken in our purpose by any mistaken appeals in behalf of the "sanctity of compacts," coming from a source even as respectable as that of the *National Intelligencer*. That paper, in a late article, seems to consider the line of 36° 30' almost as binding as the Constitution,—the bare "suggestion" for a departure from which should arouse the friends of the Constitution everywhere. If so, why did not that paper raise the alarm in 1836, when Mr. Adams in this House, backed by fifty-two Northern votes, made some more than "a suggestion" to depart from it?

In 1845, when a majority of the North voted against the annexation of Texas with this line in it, why was not its voice again raised? In 1847 and 1848, when it was completely set at naught and trampled upon by the North, as I have shown, why was it not then raised? Then the contest was fierce and hot between those who stood by that line and those who were for its total obliteration. For three long years when this contest

raged, why did the *Intelligencer* never say one word in behalf of its maintenance and preservation? That was certainly the time for any one who regarded it as imbued with "sanctity" and "sacredness" to speak. It is too late now. The old *principle* in our Territorial policy has passed away, and we have in its stead a new one. We are not, therefore, to be shaken in our purpose to carry out this new principle by any such clamor or appeals. Our purpose is fixed, and our course is onward. What little agitation may be got up in Congress, or out of it, while this debate lasts, will speedily subside, as soon as this new principle is once more vindicated. Why do you hear no more wrangling here about slavery and freedom in Utah and New Mexico? Because by this new principle the irritating cause was cast out of Congress, and turned over to the people, who are most capable of disposing of it for themselves. Pass this bill—the sooner the better—and the same result will ensue. This shows the wisdom and statesmanship of those by whom this principle was adopted as our settled policy on this subject in 1850. A cinder in the eye will irritate and inflame it, until you get it out; a thorn in the flesh will do the same thing. The best remedy is to remove it immediately. That is just what the Compromise of 1850 proposes to do with this Slavery question in the Territories whenever it arises. Cast it out of Congress, and leave it to the people, to whom it very properly and rightfully belongs.

In behalf of this *principle*, Mr. Chairman, I would to-day address this House, not as partisans,—neither as Whigs nor Democrats, but as Americans. I do not know what you call me, or how you class me, whether as Whig or Democrat, in your political vocabulary, nor do I care. Principles should characterize parties, and not names. I call myself a Republican, and I would invoke you, one and all, to come up and sustain this great Republican American policy, established in 1850, for the permanent peace, progress, and glory of our common country. If any of you are convinced of its propriety and correctness, but are afraid that your constituents are not equally convinced, follow the example of Mr. Webster, after his 7th of March speech, when the doors of Faneuil Hall were closed against him. Meet your constituents, if need be in the open air, and, face to face, tell them they are wrong, and you are right. I think, sir, that great man, on no occasion of his life, ever appeared to greater advantage in the display of those moral qualities which mark those entitled to lasting fame than he did in the speech he made in an open barouche before the Revere House, in Boston, to three thousand people, who had assembled to hear what reason he had to give for his course in the Senate. He stood as Burke before the people of Bristol, or as Aristides before the people of Athens, when he told them above all things to be "just." In that speech Mr. Webster told the people of Boston, "You have conquered an inhospitable climate; you have conquered a sterile and barren soil; you have conquered the ocean that washes your shores; you have fought your way to the respect and esteem of mankind, but you have yet to conquer your preju-



dices." That was indeed speaking "*vera pro gratis*." And that was a scene for the painter or sculptor to perpetuate the man in the exhibition of his noblest qualities far more worthy than the occasion of his reply to Mr. Hayne, or his great 7th of March speech. Imitate his example,—never lose the consciousness that "*Truth* is mighty and will ultimately prevail." The great "truth" as to the right principle of disposing of this Slavery question in the Territories was first proclaimed by the Congress of the United States in 1850. It was as oil upon the waters. It gave quiet and repose to a distracted country. Let it be the pride of us all in this Congress to reaffirm the principle,—make it co-extensive with your limits,—inscribe it upon your banners,—make it broad as your Constitution,—proclaim it everywhere, that the people of the common territories of the Union, wherever the flag floats, shall have the right to form such republican institutions as they please. Let this be our pride; and then with a common feeling in the memories and glories of the past, we can all, from every State, section, and Territory, look with hopeful anticipations to that bright prospect in the future which beckons us on in our progress to a still higher degree of greatness, power, and renown.

## APPENDIX B.

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### SPEECH BEFORE THE LEGISLATURE OF GEORGIA.

*Delivered at Milledgeville, November 14th, 1860.*

FELLOW-CITIZENS: I appear before you to-night at the request of members of the Legislature and others, to speak of matters of the deepest interest that can possibly concern us all, of an earthly character. There is nothing,—no question or subject connected with this life, that concerns a free people so intimately as that of the Government under which they live. We are now, indeed, surrounded by evils. Never, since I entered upon the public stage, has the country been so environed with difficulties and dangers that threatened the public peace and the very existence of society as now. I do not appear before you at my own instance. It is not to gratify any desire of my own that I am here. Had I consulted my own ease and pleasure, I should not be before you; but believing that it is the duty of every good citizen, when called on, to give his counsels and views whenever the country is in danger, as to the best policy to be pursued, I am here. For these reasons, and these only, do I bespeak a calm, patient, and attentive hearing.

My object is not to stir up strife, but to allay it; not to appeal to your passions, but to your reason. Good governments can never be built up or sustained by the impulse of passion. I wish to address myself to your good sense, to your good judgment, and if, after hearing, you disagree, let us agree to disagree, and part as we met, friends. We all have the same object, the same interest. That people should disagree in republican governments upon questions of public policy is natural. That men should disagree upon all matters connected with human investigation, whether relating to science or human conduct, is natural. Hence in free governments parties will arise. But a free people should express their different opinions with liberality and charity, with no acrimony toward those of their fellows when honestly and sincerely given. These are my feelings to-night.

Let us, therefore, reason together. It is not my purpose to say aught to wound the feelings of any individual who may be present; and if, in the ardency with which I shall express my opinions, I shall say anything which may be deemed too strong, let it be set down to the zeal with which I advocate my own convictions. There is with me no intention to irritate or offend.

Fellow-citizens, we are all launched in the same bark ; we are all in the same craft in the wide political ocean,—the same destiny awaits us all for weal or woe. We have been launched in the good old ship that has been upon the waves for three-quarters of a century, which has been in so many tempests and storms, has been many times in peril, and patriots have often feared that they should have to give it up ; ay, have at times almost given it up ; but still the gallant ship is afloat. Though new storms now howl around us, and the tempest beats heavily against us, I say to you, Don't give up the ship,—don't abandon her yet. If she can possibly be preserved, and our rights, interests, and security be maintained, the object is worth the effort. Let us not, on account of disappointment and chagrin at the reverse of an election, give up all as lost ; but let us see what can be done to prevent a wreck. [*A voice*.—"The ship has holes in her."] And there may be leaks in her, but let us stop them if we can ; many a stout old ship has been saved with richest cargo after many leaks ; and it may be so now.

I do not intend, on this occasion, to enter into the history of the reasons or causes of the embarrassments which press so heavily upon us all at this time. In justice to myself, however, I must barely state upon this point that I do think much of it depended upon ourselves. The consternation that has come upon the people is the result of a sectional election of a President of the United States, one whose opinions and avowed principles are in antagonism to our interests and rights, and we believe, if carried out, would subvert the Constitution under which we now live. But are we entirely blameless in this matter, my countrymen ? I give it to you as my opinion, that but for the policy the Southern people pursued, this fearful result would not have occurred. Mr. Lincoln has been elected, I doubt not, by a minority of the people of the United States. What will be the extent of that minority we do not yet know, but the disclosure, when made, will show, I think, that a majority of the constitutional conservative voters of the country were against him ; and had the South stood firmly in the Convention at Charleston, on her old platform of principles of non-intervention, there is in my mind but little doubt that whoever might have been the candidate of the national Democratic party would have been elected by as large a majority as that which elected Mr. Buchanan or Mr. Pierce. Therefore let us not be hasty and rash in our action, especially if the result be attributable at all to ourselves. Before looking to extreme measures, let us see, as Georgians, that everything which can be done to preserve our rights, our interests, and our honor, as well as the peace of the country in the Union, be first done.

The first question that presents itself is, Shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States ? My countrymen, I tell you frankly, candidly, and earnestly, that I do not think they ought. In my judgment, the election of no man, constitutionally chosen to that high office, is suffi-

cient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the Constitution of the country. To make a point of resistance to the Government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the Presidency, and that too in accordance with the prescribed forms of the Constitution, make a point of resistance to the Government, without becoming the breakers of that sacred instrument ourselves by withdrawing ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the Republic is to go down, let us be found to the last moment standing on the deck with the Constitution of the United States waving over our heads. Let the fanatics of the North break the Constitution, if such is their fell purpose. Let the responsibility be upon them. I shall presently speak more of their acts; but let not the South—let us not be the ones to commit the aggression. We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the Government and go out of the Union on that account, the record would be made up hereafter against us.

But it is said that Mr. Lincoln's policy and principles are against the Constitution, and that, if he carries them out, it will be destructive of our rights. Let us not anticipate a threatened evil. If he violates the Constitution, then will come our time to act. Do not let *us* break it, because, forsooth, *he* may. If he does, that is the time for us to strike. I think it would be injudicious and unwise to do this sooner. I do not anticipate that Mr. Lincoln will do anything to jeopard our safety or security, whatever may be his spirit to do it; for he is bound by the constitutional checks which are thrown around him, which at this time render him powerless to do any great mischief. This shows the wisdom of our system. The President of the United States is no emperor, no dictator,—he is clothed with no absolute power. He can do nothing unless he is backed by power in Congress. The House of Representatives is largely in a majority against him. In the very face and teeth of the heavy majority which he has obtained in the Northern States, there have been large gains in the House of Representatives to the Conservative Constitutional party of the country, which here I will call the National Democratic party, because that is the cognomen it has at the North. There are twelve of this party elected from New York to the next Congress, I believe. In the present House there are but four, I think. In Pennsylvania, New Jersey, Ohio, and Indiana there have been gains. In the present Congress there were one hundred and thirteen Republicans, when it takes one hundred and

seventeen to make a majority. The gains in the Democratic party in Pennsylvania, Ohio, New Jersey, New York, Indiana, and other States, notwithstanding its distractions, have been enough to make a majority of near thirty in the next House against Mr. Lincoln. Even in Boston, Mr. Burlingame, one of the noted leaders of the fanatics of that section, has been defeated and a conservative man returned in his stead. Is this the time, then, to apprehend that Mr. Lincoln, with this large majority in the House of Representatives against him, can carry out any of his unconstitutional principles in that body?

In the Senate he will also be powerless. There will be a majority of four against him. This, after the loss of Bigler, Fitch, and others, by the unfortunate dissensions of the National Democratic party in their States. Mr. Lincoln cannot appoint an officer without the consent of the Senate,—he cannot form a cabinet without the same consent. He will be in the condition of George the Third (the embodiment of Toryism), who had to ask the Whigs to appoint his ministers, and was compelled to receive a cabinet utterly opposed to his views; and so Mr. Lincoln will be compelled to ask of the Senate to choose for him a cabinet, if the Democracy of that party chose to put him on such terms. He will be compelled to do this or let the Government stop, if the National Democratic men—the conservative men in the Senate—should so determine. Then how can Mr. Lincoln obtain a cabinet which would aid him, or allow him, to violate the Constitution. Why, then, I say, should we disrupt the ties of the Union when his hands are tied,—when he can do nothing against us?

I have heard it mooted that no man in the State of Georgia who is true to her interests could hold office under Mr. Lincoln. But I ask who appoints to office? Not the President alone; the Senate has to concur. No man can be appointed without the consent of the Senate. Should any man, then, refuse to hold office that was given him by a Democratic Senate?

Mr. Toombs interrupted, and said, if the Senate was Democratic, it was for Breckenridge.

Well, then, continued Mr. Stephens, I apprehend that no man could be justly considered untrue to the interests of Georgia, or incur any disgrace, if the interests of Georgia required it, to hold an office which a Breckenridge Senate had given him, even though Mr. Lincoln should be President. [Applause.]

I trust, my countrymen, you will be still and silent. I am addressing your good sense. I am giving you my views in a calm and dispassionate manner, and if any of you differ from me, you can on some other occasion give your views, as I am doing now, and let reason and true patriotism decide between us. In my judgment, I say, under such circumstances, there would be no possible disgrace for a Southern man to hold office. No man will be suffered to be appointed, I have no doubt, who is not true to the Constitution, if Southern Senators are true to their trusts, as I cannot permit myself to doubt that they will be.

My honorable friend who addressed you last night [Mr. Toombs], and to whom I listened with the profoundest attention, asks if we would submit to Black Republican rule? I say to you and to him, as a Georgian, I never would submit to any Black Republican aggression upon our Constitutional rights.

I will never myself consent, as much as I admire this Union, for the glories of the past or the blessings of the present, as much as it has done for civilisation; as much as the hopes of the world hang upon it; I would never submit to aggression upon my rights to maintain it longer; and if they cannot be maintained in the Union standing on the Georgia platform, where I have stood from the time of its adoption, I would be in favor of disrupting every tie which binds the States together. I will have equality for Georgia and for the citizens of Georgia in this Union, or I will look for new safeguards elsewhere. This is my position. The only question now is, Can this be secured in the Union? This is what I am counselling with you to-night about. Can it be secured? In my judgment it may be; but it may not be; but let us do all we can, so that in the future, if the worst comes, it may never be said we were negligent in doing our duty to the last.

My countrymen, I am not of those who believe the Union has been a curse up to this time. True men, men of integrity, entertain different views from me on this subject. I do not question their right to do so: I would not impugn their motives in so doing. Nor will I undertake to say that this Government of our fathers is perfect. There is nothing perfect in this world of human origin; nothing connected with human nature from man himself to any of his works. You may select the wisest and best men for your judges, and yet how many defects are there in the administration of justice! You may select the wisest and best men for your legislators, and yet how many defects are apparent in your laws! And it is so in our Government. But that this Government of our fathers, with all its defects, comes nearer the objects of all good governments than any other on the face of the earth, is my settled conviction. Contrast it now with any other.

[“England,” said Mr. Toombs.]

England, my friend says. Well, that is the next best, I grant; but I think we have improved upon England. Statesmen tried their ‘prentice hand on the Government of England, and then ours was made. Ours sprung from that, avoiding many of its defects, taking most of the good, and leaving out many of its errors; and from the whole our fathers constructed and built up this model republic,—the best which the history of the world gives any account of. Compare, my friends, this Government with that of France, Spain, Mexico, the South American republics, Germany, Ireland, Prussia; or, if you travel farther east, to Turkey or China. Where will you go, following the sun in his circuit round our globe, to find a government that better protects the liberties of its people and se-

cures to them the blessings we enjoy? I think that one of the evils that beset us is a surfeit of liberty, an exuberance of the priceless blessings for which we are ungrateful. We listened to my honorable friend who addressed you last night [Mr. Toombs] as he recounted the evils of this Government. The first was the fishing-bounties, paid mostly to the sailors of New England. Our friend stated that forty-eight years of our Government were under the administration of Southern Presidents. Well, these fishing-bounties began under the rule of a Southern President, I believe. No one of them, during the whole forty-eight years, ever set his Administration against the principle or policy of them. It is not for me to say whether it was a wise policy in the beginning; it probably was not, and I have not a word to say in its defence. But the reason given for it was to encourage our young men to go to-sea and learn to manage ships. We had at that time but a small navy. It was thought best to encourage a class of our people to become acquainted with seafaring life; to become sailors, to man our navy. It requires practice to walk the deck of a ship, to pull the ropes, to furl the sails, to go aloft, to climb the mast: and it was thought that by offering this bounty a nursery might be formed in which young men would become perfected in these arts, and it applied to one section of the country as well as another. The result of this was, that in the war of 1812 our sailors, many of whom came from this nursery, were equal to any that England brought against us. At any rate, no small part of the glories of that war were gained by the veteran tars of America, and the object of these bounties was to foster that branch of the national defence. My opinion is, that whatever may have been the reason at first, this bounty ought to be discontinued,—the reason for it at first no longer exists. A bill for this object did pass the Senate the last Congress I was in, to which my honorable friend contributed greatly, but it was not reached in the House of Representatives. I trust that he will yet see that he may with honor continue his connection with the Government, and that his eloquence, unrivalled in the Senate, may hereafter, as heretofore, be displayed in having this bounty, so obnoxious to him, wiped off from the statute-book.

The next evil that my friend complained of was the tariff. Well, let us look at that for a moment. About the time I commenced noticing public matters this question was agitating the country almost as fearfully as the Slave question now is. In 1832, when I was in college, South Carolina was ready to nullify or secede from the Union on this account. And what have we seen? The tariff no longer distracts the public councils. Reason has triumphed. The present tariff was voted for by Massachusetts and South Carolina. The lion and the lamb lay down together,—every man in the Senate and House from Massachusetts and South Carolina, I think, voted for it, as did my honorable friend himself. And if it be true, to use the figure of speech of my honorable friend, that every man in the North that works in iron and brass and wood has his muscle strengthened by

the protection of the Government, that stimulant was given by his vote, and I believe that of every other Southern man. So we ought not to complain of that.

[Mr. Toombs.—“That tariff lessened the duties.”]

Yes, and Massachusetts, with unanimity, voted with the South to lessen them, and they were made just as low as Southern men asked them to be, and those are the rates they are now at. If reason and argument with experience produced such changes in the sentiments of Massachusetts from 1832 to 1857 on the subject of the tariff, may not like changes be effected there by the same means, reason and argument, and appeals to patriotism on the present vexed question? And who can say that by 1875 or 1890 Massachusetts may not vote with South Carolina and Georgia upon all those questions that now distract the country and threaten its peace and existence? I believe in the power and efficiency of truth, in the omnipotence of truth, and its ultimate triumph when properly wielded.

Another matter of grievance alluded to by my honorable friend was the navigation laws. This policy was also commenced under the Administration of one of those Southern Presidents who ruled so well, and has been continued through all of them since. The gentleman's views of the policy of these laws and my own do not disagree. We occupied the same ground in relation to them in Congress. It is not my purpose to defend them now. But it is proper to state some matters connected with their origin.

One of the objects was to build up a commercial American marine by giving American bottoms the exclusive carrying trade between our own ports. This is a great arm of national power. The object was accomplished. We have now an amount of shipping not only coastwise but to foreign countries which puts us in the front ranks of the nations of the world. England can no longer be styled the mistress of the seas. What American is not proud of the result? Whether those laws should be continued is another question. But one thing is certain, no President, Northern or Southern, has ever yet recommended their repeal. And my friend's effort to get them repealed has met with but little favor North or South.

These, then, were the three grievances or grounds of complaint against the general system of our Government and its workings: I mean the administration of the Federal Government. As to the acts of several of the States I shall speak presently, but these three were the main ones urged against the common head. Now suppose it be admitted that all of these are evils in the system, do they overbalance and outweigh the advantages and great good which this same Government affords in a thousand innumerable ways that cannot be estimated? Have we not at the South, as well as at the North, grown great, prosperous, and happy under its operation? Has any part of the world ever shown such rapid progress in the development of wealth and all the material resources of national power and greatness as the Southern States have under the General Government, notwithstanding all its defects?



[MR. TOOMBS.—“In spite of it.”]

My honorable friend says we have, in spite of the General Government; that without it I suppose he thinks we might have done as well or perhaps better than we have done. This grand result is in spite of the Government? That may be, and it may not be; but the great fact that we have grown great and powerful under the Government as it exists is admitted. There is no conjecture or speculation about that; it stands out bold, high, and prominent like your Stone Mountain, to which the gentleman alluded in illustrating home-facts in his record,—this great fact of our unrivalled prosperity in the Union as it is is admitted,—whether all this is in spite of the Government,—whether we of the South would have been better off without the Government, is, to say the least, problematical. On the one side we can only put the fact against speculation and conjecture on the other. But even as a question of speculation I differ from my distinguished friend. What we would have lost in border wars without the Union, or what we have gained simply by the peace it has secured, is not within our power to estimate. Our foreign trade, which is the foundation of all our prosperity, has the protection of the navy which drove the pirates from the waters near our coast where they had been buccaneering for centuries before, and might have been still, had it not been for the American navy under the command of such a spirit as Commodore Porter. Now that the coast is clear, that our commerce flows freely, outwardly and inwardly, we cannot well estimate how it would have been under other circumstances. The influence of the Government on us is like that of the atmosphere around us. Its benefits are so silent and unseen that they are seldom thought of or appreciated.

We seldom think of the single element of oxygen in the air we breathe, and yet let this simple unseen and unfelt agent be withdrawn, this life-giving element be taken away from this all-pervading fluid around us, and what instant and appalling changes would take place in all organic creation!

It may be that we are all that we are “in spite of the General Government,” but it may be that without it we should have been far different from what we are now. It is true there is no equal part of the earth with natural resources superior to ours. That portion of the country known as the Southern States, stretching from the Chesapeake to the Rio Grande, is fully equal to the picture drawn by the honorable and eloquent Senator last night in all natural capacities. But how many ages, centuries, passed before these capacities were developed to reach this advanced stage of civilization? There these same hills rich in ore, these same rivers, valleys, and plains, are as they have been since they came from the hand of the Creator. Uneducated and uncivilized man roamed over them, for how long no history informs us.

It was only under our institutions that they could be developed. Their development is the result of the enterprise of our people under operations of the Government and institutions under which we have lived. Even

our people, without these, never would have done it. The organization of society has much to do with the development of the natural resources of any country or any land. The institutions of a people, political and moral, are the matrix in which the germ of their organic structure quickens into life, takes root, and develops in form, nature, and character. Our institutions constitute the basis, the matrix, from which spring all our characteristics of development and greatness. Look at Greece! There is the same fertile soil, the same blue sky, the same inlets and harbors, the same Ægean, the same Olympus,—there is the same land where Homer sang, where Pericles spoke,—it is in nature the same old Greece; but it is living Greece no more!

Descendants of the same people inhabit the country; yet what is the reason of this mighty difference? In the midst of present degradation we see the glorious fragments of ancient works of art,—temples with ornaments and inscriptions that excite wonder and admiration, the remains of a once high order of civilization, which have outlived the language they spoke. Upon them all *Ichabod* is written,—their glory has departed. Why is this so? I answer, their institutions have been destroyed. These were but the fruits of their forms of government, the matrix from which their grand development sprang; and when once the institutions of our people shall have been destroyed, there is no earthly power that can bring back the Promethean spark to kindle them here again, any more than in that ancient land of eloquence, poetry, and song. The same may be said of Italy. Where is Rome, once the mistress of the world? There are the same seven hills now, the same soil, the same natural resources; nature is the same; but what a ruin of human greatness meets the eye of the traveller throughout the length and breadth of that most down-trodden land! Why have not the people of that Heaven-favored clime the spirit that animated their fathers? Why this sad difference? It is the destruction of her institutions that has caused it. And, my countrymen, if we shall in an evil hour rashly pull down and destroy those institutions, which the patriotic hand of our fathers labored so long and so hard to build up, and which have done so much for us and for the world, who can venture the prediction that similar results will not ensue? Let us avoid them if we can. I trust the spirit is among us that will enable us to do it. Let us not rashly try the experiment of change, of pulling down and destroying, for, as in Greece and Italy, and the South American republics, and in every other place, whenever our liberty is once lost, it may never be restored to us again.

There are defects in our Government, errors in our administration, and shortcomings of many kinds, but in spite of these defects and errors Georgia has grown to be a great State. Let us pause here a moment. In 1850 there was a great crisis, but not so fearful as this, for of all I have ever passed through this is the most perilous, and requires to be met with the greatest calmness and deliberation.

There were many among us in 1850 zealous to go at once out of the Union,—to disrupt every tie that binds us together. Now do you believe, had that policy been carried out at that time, we would have been the same great people that we are to-day? It may be that we would, but have you any assurance of that fact? Would we have made the same advancement, improvement, and progress in all that constitutes material wealth and prosperity that we have?

I notice in the Comptroller-General's report that the taxable property of Georgia is six hundred and seventy million dollars and upwards,—an amount not far from double what it was in 1850. I think I may venture to say that for the last ten years the material wealth of the people of Georgia has been nearly, if not quite, doubled. The same may be said of our advance in education and everything that marks our civilization. Have we any assurance that had we regarded the earnest but misguided patriotic advice, as I think, of some of that day, and disrupted the ties which bind us to the Union, we would have advanced as we have? I think not. Well, then, let us be careful now before we attempt any rash experiment of this sort. I know that there are friends whose patriotism I do not intend to question who think this Union a curse, and that we should be better off without it. I do not so think; if we can bring about a correction of those evils which threaten,—and I am not without hope that this may yet be done,—this appeal to go out with all the promises for good that accompany it, I look upon as a great, and, I fear, a fatal temptation.

When I look around and see our prosperity in everything,—agriculture, commerce, art, science, and every department of progress, physical, moral, and mental,—certainly, in the face of such an exhibition, if we can, without the loss of power, or any essential right or interest, remain in the Union, it is our duty to ourselves and to posterity to do so. Let us not unwisely yield to this temptation. Our first parents, the great progenitors of the human race, were not without a like temptation when in the garden of Eden. They were led to believe that their condition would be bettered, that their eyes would be opened, and that they would become as gods. They in an evil hour yielded,—instead of becoming gods they only saw their own nakedness.

I look upon this country with our institutions as the Eden of the world, the Paradise of the universe. It may be that out of it we may become greater and more prosperous; but I am candid and sincere in telling you that I fear if we yield to passion, and without sufficient cause shall take that step, instead of becoming greater, more peaceful, prosperous, and happy,—instead of becoming gods, we shall become demons, and at no distant day commence cutting one another's throats. This is my apprehension. Let us, therefore, whatever we do, meet these difficulties, great as they are, like wise and sensible men, and consider them in the light of all the consequences which may attend our action. Let us see first, clearly, where the path of duty leads, and then we may not fear to tread therein.

I come now to the main question put to me, and on which my counsel has been asked. That is, what the present Legislature should do in view of the dangers that threaten us, and the wrongs that have been done us by several of our confederate States in the Union, by the acts of their Legislatures nullifying the Fugitive Slave Law, and in direct disregard of their constitutional obligations? What I shall say will not be in the spirit of dictation. It will simply be my own judgment for what it is worth. It proceeds from a strong conviction that, according to it, our rights, interest, and honor,—our present safety and future security can be maintained without yet looking to the last resort, the "*ultima ratio regum*." That should not be looked to until all else fails. That may come. On this point I am hopeful, but not sanguine. But let us use every patriotic effort to prevent it while there is ground for hope.

If any view that I may present, in your judgment, be inconsistent with the best interest of Georgia, I ask you as patriots not to regard it. After hearing me and others whom you have advised with, act in the premises according to your own convictions of duty as patriots. I speak now particularly to the members of the Legislature present. There are, as I have said, great dangers ahead. Great dangers may come from the election I have spoken of. If the policy of Mr. Lincoln and his Republican associates shall be carried out, or attempted to be carried out, no man in Georgia will be more willing or ready than myself to defend our rights, interest, and honor at every hazard and to the last extremity. What is this policy? It is, in the first place, to exclude us, by an act of Congress, from the Territories, with our slave property. He is for using the power of the General Government against the extension of our institutions. Our position on this point is, and ought to be, at all hazards, for perfect equality between all the States and the citizens of all the States in the Territories, under the Constitution of the United States. If Congress should exercise its power against this, then I am for standing where Georgia planted herself in 1850. These were plain propositions which were there laid down in her celebrated platform as sufficient for the disruption of the Union if the occasion should ever come; on these Georgia has declared that she will go out of the Union, and for these she would be justified by the nations of the earth in so doing. I say the same; I said it then; I say it now, if Mr. Lincoln's policy should be carried out. I have told you that I do not think his bare election sufficient cause; but if his policy should be carried out, in violation of any of the principles set forth in the Georgia platform, that would be such an act of aggression, which ought to be met as therein provided for. If his policy shall be carried out in repealing or modifying the Fugitive Slave Law so as to weaken its efficacy, Georgia has declared that she will, in the last resort, disrupt the ties of the Union,—and I say so too. I stand upon the Georgia platform and upon every plank in it; and if these aggressions therein provided for take place, I say to you and to the people of Georgia, Be

ready for the assault when it comes; keep your powder dry, and let your assailants then have lead, if need be. I would wait for an act of aggression. That is my position.

Now, upon another point, and that the most difficult and deserving your most serious consideration, I will speak. That is the course which this State should pursue toward those Northern States which, by their legislative acts, have attempted to nullify the Fugitive Slave Law. I know that in some of these States their acts, pretended to be based upon the principles set forth in the decision of the Supreme Court of the United States, in the case of *Prigg* against Pennsylvania; that decision did proclaim the doctrine that the State officers are not bound to carry out the provisions of a law of Congress; that the Federal Government cannot impose duties upon State officials; that they must execute their own laws by their own officers. And this may be true. But still it is the duty of the States to deliver fugitive slaves, as well as it is the duty of the General Government to see that it is done.

The Northern States, on entering into the Federal compact, pledged themselves to surrender such fugitives; and it is in disregard of their constitutional obligations that they have passed laws which even tend to hinder or inhibit the fulfilment of that obligation. They have violated their plighted faith. What ought we to do in view of this? That is the question. What is to be done? By the law of nations you would have a right to demand the carrying out of this article of agreement, and I do not see that it should be otherwise with respect to the States of this Union; and in case it be not done, we would, by these principles, have the right to commit acts of reprisal on these faithless governments, and seize upon their property, or that of their citizens, wherever found. The States of this Union stand upon the same footing with foreign nations in this respect. But by the law of nations we are equally bound, before proceeding to violent measures, to set forth our grievances before the offending government, to give them an opportunity to redress the wrong. Has our State yet done this? I think not.

Suppose it were Great Britain that had violated some compact of agreement with the General Government, what would be first done? In that case our Minister would be directed in the first instance to bring the matter to the attention of that Government, or a commissioner be sent to that country to open negotiations with her, ask for redress, and it would only be after argument and reason had been exhausted in vain that we would take the last resort of nations. That would be the course toward a foreign Government; and toward a member of this Confederacy I would recommend the same course. Let us not, therefore, act hastily or ill-temperedly in this matter. Let your Committee on the state of the Republic make out a bill of grievances; let it be sent by the Governor to those faithless States; and if reason and argument shall be tried in vain,—if all shall fail to induce them to return to their constitutional obligations, I would

be for retaliatory measures, such as the Governor has suggested to you. This mode of resistance in the Union is in our power. It might be effectual; and in the last resort we would be justified in the eyes of nations, not only in separating from them, but in using force.

[*A voice.*—"The argument is already exhausted."]

Some friend says that the argument is already exhausted. No, my friend, it is not. You have never called the attention of the Legislatures of those States to this subject that I am aware of. Nothing on this line has ever been done before this year. The attention of our own people has been called to the subject lately.

Now, then, my recommendation to you would be this: In view of all these questions of difficulty, let a convention of the people of Georgia be called, to which they may all be referred. Let the sovereignty of the people speak. Some think that the election of Mr. Lincoln is cause sufficient to dissolve the Union. Some think those other grievances are sufficient to dissolve the same, and that the Legislature has the power thus to act, and ought thus to act. I have no hesitation in saying that the Legislature is not the proper body to sever our federal relations, if that necessity should arise. An honorable and distinguished gentleman, the other night (Mr. T. R. R. Cobb), advised you to take this course,—not to wait to hear from the cross-roads and groceries.

I say to you you have no power so to act. You must refer this question to the people, and you must wait to hear from the men at the cross-roads and even the groceries; for the people of this country, whether at the cross-roads or groceries, whether in cottages or palaces, are all equal, and they are the sovereigns in this country. Sovereignty is not in the Legislature. We, the people, are sovereigns. I am one of them, and have a right to be heard; and so has every other citizen of the State. You legislators—I speak it respectfully—are but our servants. You are the servants of the people, and not their masters. Power resides with the people in this country. The great difference between our country and all others, such as France and England and Ireland, is, that here there is popular sovereignty, while there sovereignty is exercised by kings and favored classes. This principle of popular sovereignty, however much derided lately, is the foundation of our institutions. Constitutions are but the channels through which the popular will may be expressed. Our Constitution came from the people. They made it, and they alone can rightfully unmake it.

[*MR. TOOMBS.*—"I am afraid of conventions."]

I am not afraid of any convention legally chosen by the people. I know no way to decide great questions affecting fundamental laws except by representatives of the people. The Constitution of the United States was made by the representatives of the people in convention. The constitution of the State of Georgia was made by representatives of the people in convention, chosen at the ballot-box. Let us, therefore, now have a convention chosen by the people. But do not let the question which comes before

the people be put to them in the language of my honorable friend who addressed you last night: "Will you submit to abolition rule or resist?"

[MR. TOOMBS.—"I do not wish the people to be cheated."]

Now, my friends, how are we going to cheat the people by calling on them to elect delegates to a convention to decide all these questions, without any dictation or direction? Who proposes to cheat the people by letting them speak their own untrammelled views in the choice of their ablest and best men, to determine upon all these matters involving their peace?

I think the proposition of my honorable friend had a considerable smack of unfairness, not to say cheat. He wishes to have no convention, but for the Legislature to submit this question to the people, "submission to abolition rule or resistance." Now, who in Georgia would vote "submission to abolition rule"?

Is putting such a question to the people to vote on a fair way of getting an expression of the popular will on these questions? I think not. Now, who in Georgia is going to submit to abolition rule?

[MR. TOOMBS.—"The convention will."]

No, my friend, Georgia will not do it. The convention will not recede from the Georgia platform. Under that there can be no abolition rule in the General Government. I am not afraid to trust the people in convention upon this and all other questions. Besides, the Legislature was not elected for such a purpose. They came here to do their duty as legislators. They have sworn to support the Constitution of the United States. They did not come here to disrupt this Government. I am, therefore, for submitting all these questions to a convention of the people. To submit these questions to the people whether they would submit to abolition rule or resist, and then for the Legislature to act on that vote, would be an insult to the people.

But how will it be under this arrangement if they should vote to resist, and the Legislature should re-assemble with this vote as their instructions? Can any man tell what sort of resistance will be meant? One man would say, secede; another, pass retaliatory measures,—these are measures of resistance against wrong, legitimate and right,—and there would be as many different ideas as there are members on this floor. Resistance don't mean secession,—that is no proper sense of the term resistance. Believing that the times require action, I am for presenting the question fairly to the people, for calling together an untrammelled convention, and presenting all the questions to them whether they will go out of the Union, or what course of resistance in the Union they may think best, and then let the Legislature act, when the people in their majesty are heard, and I tell you now, whatever that convention does, I hope and trust our people will abide by. I advise the calling of a convention, with the earnest desire to preserve the peace and harmony of the State. I should dislike above all things to see violent measures adopted, or a disposition to take the sword in hand, by individuals, without the authority of law.

My honorable friend said last night, "I ask you to give me the sword; for if you do not give it to me, as God lives, I will take it myself."

[MR. TOOMBS.—"I will."]

I have no doubt that my honorable friend feels as he says. It is only his excessive ardor that makes him use such an expression; but this will pass off with the excitement of the hour. When the people in their majesty shall speak, I have no doubt he will bow to their will, whatever it may be, upon the "sober second thought."

Should Georgia determine to go out of the Union, I speak for one, though my views might not agree with them, whatever the result may be, I shall bow to the will of the people. Their cause is my cause, and their destiny is my destiny, and I trust this will be the ultimate course of all. The greatest curse that can befall a free people is civil war.

But, as I said, let us call a convention of the people. Let all these matters be submitted to it, and when the will of a majority of the people has thus been expressed, the whole State will present one unanimous voice in favor of whatever may be demanded; for I believe in the power of the people to govern themselves, when wisdom prevails and passion does not control their actions. Look at what has already been done by them in their advancement in all that ennobles man! There is nothing like it in the history of the world. Look abroad from one extent of the country to the other; contemplate our greatness. We are now among the first nations of the earth. Shall it be said, then, that our institutions, founded upon the principles of self-government, are a failure?

Thus far, it is a noble example, worthy of imitation. The gentleman [Mr. Cobb], the other night, said it had proven a failure. A failure in what? In growth? Look at our expanse in national power. Look at our population and increase in all that makes a people great. A failure! Why, we are the admiration of the civilized world, and present the brightest hopes of mankind.

Some of our public men have failed in their aspirations, that is true; and from that comes a great part of our troubles.

No: there is no failure of this Government yet. We have made great advancement under the Constitution, and I cannot but hope that we shall advance higher still. Let us be true to our trust.

Now, when this convention assembles, if it shall be called, as I hope it may, I would say, in my judgment, without dictation, for I am conferring with you freely and frankly, and it is thus that I give my views, it should take into consideration all those questions which distract the public mind; should view all the grounds of secession so far as the election of Mr. Lincoln is concerned; and I can but hope, if reason is unbiassed by passion, that they would say that the constitutional election of no man is a sufficient cause to break up the Union, but that the State should wait until he at least does commit some unconstitutional act.

[MR. TOOMBS.—"Commit some overt act?"]



No; I did not say that. The word *overt* is a sort of technical term connected with treason which has come to us from the mother-country, and it means an open act of rebellion. I do not see how Mr. Lincoln can do this unless he should levy war upon us. I do not, therefore, use the word *overt*. I do not intend to wait for that. But I use the word *unconstitutional act*, which our people understand much better, and which expresses just what I mean. But as long as he conforms to the Constitution he should be left to exercise the duties of his office.

In giving this advice, I am but sustaining the Constitution of my country, and I do not thereby become a "Lincoln aid man" either, but a constitutional aid man. But this matter the convention can determine.

As to the other matter, I think we have a right to pass retaliatory measures, provided they be in accordance with the Constitution of the United States; and I think they can be made so. But whether it would be wise for this Legislature to do this now is the question. To the convention, in my judgment, this matter ought to be referred. Before making reprisals, we should exhaust every means of bringing about a peaceful settlement of the controversy. Thus did General Jackson in the case of the French. He did not recommend reprisals until he had treated with France and got her to promise to make indemnification, and it was only on her refusal to pay the money which she had promised that he recommended reprisals. It was after negotiation had failed. I do think, therefore, that it would be best, before going to extreme measures with our confederate States, to make the presentation of our demands, to appeal to their reason and judgment to give us our rights. Then, if reason should not triumph, it will be time enough to commit reprisals, and we should be justified in the eyes of a civilized world. At least let these offending and derelict States know what your grievances are, and if they refuse, as I said, to give us our rights under the Constitution, I should be willing, as a last resort, to sever the ties of our union with them.

My own opinion is, that if this course be pursued, and they are informed of the consequences of refusal, these States will recede, will repeal their nullifying acts; but if they should not, then let the consequences be with them, and the responsibility of the consequences rest upon them. Another thing I would have that convention to do. Reaffirm the Georgia platform with an additional plank in it. Let that plank be the fulfilment of these constitutional obligations on the part of those States,—their repeal of these obnoxious laws as the condition of our remaining in the Union. Give them time to consider it; and I would ask all States South to do the same thing.

I am for exhausting all that patriotism demands before taking the last step. I would invite, therefore, South Carolina to a conference. I would ask the same of all the Southern States, so that if the evil has got beyond our control, which God in His mercy grant may not be the case, we may not be divided among ourselves; but, if possible, secure the united co-opera-

tion of all the Southern States, and then in the face of the civilized world we may justify our action, and with the wrong all on the other side, we can appeal to the God of battles, if it comes to that, to aid us in our cause. But do nothing in which any portion of our people may charge you with rash or hasty action. It is certainly a matter of great importance to tear this Government asunder. You were not sent here for that purpose. I would wish the whole South to be united if this is to be done; and I believe if we pursue the policy which I have vindicated, this can be effected.

In this way our sister Southern States can be induced to act with us; and I have but little doubt that the States of New York, Pennsylvania, Ohio, and the other Western States will compel their Legislatures to recede from their hostile attitude, if the others do not. Then, with these, we would go on without New England, if she chose to stay out.

[*A voice.*—"We will kick them out."]

No; I would not kick them out. But if they chose to stay out, they might. I think, moreover, that these Northern States, being principally engaged in manufactures, would find that they had as much interest in the Union under the Constitution as we, and that they would return to their constitutional duty,—this would be my hope. If they should not, and if the Middle States and Western States do not join us, we should at least have an undivided South. I am, as you clearly perceive, for maintaining the Union as it is, if possible. I will exhaust every means thus to maintain it with an equality in it.

My position, then, in conclusion, is for the maintenance of the honor, the rights, the equality, the security, and the glory of my native State in the Union if possible; but if these cannot be maintained in the Union, then I am for their maintenance, at all hazards, out of it. Next to the honor and glory of Georgia, the land of my birth, I hold the honor and glory of our common country. In Savannah I was made to say by the reporters, who very often make me say things which I never did, that I was first for the glory of the whole country and next for that of Georgia. I said the exact reverse of this. I am proud of her history, of her present standing. I am proud even of her motto, which I would have duly respected at the present time by all her sons,—“Wisdom, Justice, and Moderation.” I would have her rights and those of the Southern States maintained now upon these principles. Her position now is just what it was in 1850, with respect to the Southern States. Her platform then established was subsequently adopted by most, if not all, the other Southern States. Now I would add but one additional plank to that platform, which I have stated, and one which time has shown to be necessary; and if that shall likewise be adopted in substance by all the Southern States, all may yet be well. But if all this fails, we shall at least have the satisfaction of knowing that we have done our duty and all that patriotism could require.

## APPENDIX C.

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### ADDRESS BEFORE THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA.

*Delivered February 22d, 1866.*

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES :

I appear before you in answer to your call. This call, coming in the imposing form it does, and under the circumstances it does, requires a response from me. You have assigned to me a very high, a very honorable and responsible position. This position you know I did not seek. Most willingly would I have avoided it; and nothing but an extraordinary sense of duty could have induced me to yield my own disinclinations and aversions to your wishes and judgment in the matter. For this unusual manifestation of esteem and confidence I return you my profoundest acknowledgments of gratitude. Of one thing only can I give you any assurance, and that is, if I shall be permitted to discharge the trusts thereby imposed, they will be discharged with a singleness of purpose to the public good.

The great object with me now is to see a restoration, if possible, of peace, prosperity, and constitutional liberty in this once happy, but now disturbed, agitated, and distracted country. To this end all my energies and efforts, to the extent of their powers, will be devoted.

You ask my views on the existing state of affairs; our duties at the present, and the prospects of the future. This is a task from which, under other circumstances, I might very well shrink. He who ventures to speak, and to give counsel and advice in times of peril, or disaster, assumes no enviable position. Far be that rashness from me which sometimes prompts the forward to rush in where angels might fear to tread. In responding, therefore, briefly to your inquiries, I feel, I trust, the full weight and magnitude of the subject. It involves the welfare of millions now living, and that of many more millions who are to come after us. I am also fully impressed with the consciousness of the inconceivably small effect of what I shall say upon the momentous results involved in the subject itself.

It is with these feelings I offer my mite of counsel at your request. And in the outset of the undertaking, limited as it is intended to be to a few general ideas only, well may I imitate an illustrious example in invoking aid from on high; "that I may say nothing on this occasion which may compromit the rights, the honor, the dignity, or best interests of my

country." I mean specially the rights, honor, dignity, and best interests of the people of Georgia. With their sufferings, their losses, their misfortunes, their bereavements, and their present utter prostration, my heart is in deepest sympathy.

We have reached that point in our affairs at which the great question before us is, "To be or not to be?"—and if to be.—How? Hope, ever springing in the human breast, prompts, even under the greatest calamities and adversities, never to despair. Adversity is a severe school, a terrible crucible: both for individuals and communities. We are now in this school, this crucible, and should bear in mind that it is never negative in its action. It is always positive. It is ever decided in its effects, one way or the other. It either makes better or worse. It either brings out unknown vices or arouses dormant virtues. In morals, its tendency is to make saints or reprobates,—in politics, to make heroes or desperadoes. The first indication of its working for good, to which hope looks anxiously, is the manifestation of a full consciousness of its nature and extent; and the most promising grounds of hope for possible good from our present troubles, or of things with us getting better instead of worse, is the evident general realization, on the part of our people, of their present situation: of the evils now upon them, and of the greater ones still impending. These it is not my purpose to exaggerate if I could: that would be useless; nor to lessen or extenuate: that would be worse than useless. All fully understand and realize them. They feel them. It is well they do.

Can these evils upon us—the absence of law, the want of protection and security of person and property, without which civilization cannot advance—be removed? or can those greater ones, which threaten our very political existence, be averted? These are the questions.

It is true we have not the control of all the remedies, even if these questions could be satisfactorily answered. Our fortunes and destiny are not entirely in our own hands. Yet there are some things that we may, and can, and ought, in my judgment, to do, from which no harm can come, and from which some good may follow, in bettering our present condition. States and communities, as well as individuals, when they have done the best they can in view of surrounding circumstances, with all the lights they have before them,—let results be what they may,—can at least enjoy the consolation—no small recompense that—of having performed their duty, and of having a conscience void of offence before God and man. This, if no more valuable result, will, I trust, attend the doing of what I propose.

The first great duty, then, I would enjoin at this time is the exercise of the simple, though difficult and trying, but nevertheless indispensable quality of patience. Patience requires of those afflicted to bear and to suffer with fortitude whatever ills may befall them. This is often, and especially is it the case with us now, essential for their ultimate removal by any instrumentalities whatever. We are in the condition of a man

with a dislocated limb, or a broken leg, and a very bad compound fracture at that. How it became broken should not be with him a question of so much importance as how it can be restored to health, vigor, and strength. This requires of him, as the highest duty to himself, to wait quietly and *patiently* in splints and bandages until nature resumes her active powers,—until the vital functions perform their office. The knitting of the bones and the granulation of the flesh require time; perfect quiet and repose, even under the severest pain, is necessary. It will not do to make too great haste to get well; an attempt to walk too soon will only make the matter worse. We must or ought now, therefore, in a similar manner to discipline ourselves to the same or like degree of patience. I know the anxiety and restlessness of the popular mind to be fully on our feet again,—to walk abroad as we once did,—to enjoy once more the free out-door air of heaven, with the perfect use of all our limbs. I know how trying it is to be denied representation in Congress, while we are paying our proportion of the taxes,—how annoying it is to be even partially under military rule,—and how injurious it is to the general interest and business of the country to be without post-offices and mail communications; to say nothing of divers other matters on the long list of our present inconveniences and privations. All these, however, we must patiently bear and endure for a season. With quiet and repose we may get well,—may get once more on our feet again. One thing is certain, that bad humor, ill-temper, exhibited either in restlessness or grumbling, will not hasten it.

Next to this, another great duty we owe to ourselves is the exercise of a liberal spirit of forbearance among ourselves.

The first step toward local or general harmony is the banishment from our breasts of every feeling and sentiment calculated to stir the discords of the past. Nothing could be more injurious or mischievous to the future of this country than the agitation, at present, of questions that divided the people anterior to, or during the existence of, the late war. On no occasion, and especially in the bestowment of office, ought such differences of opinion in the past ever to be mentioned, either for or against any one otherwise equally entitled to confidence. These ideas or sentiments of other times and circumstances are not the germs from which hopeful organizations can now arise. Let all differences of opinion, touching errors, or supposed errors, of the head or heart, on the part of any, in the past, growing out of these matters, be at once in the deep ocean of oblivion forever buried. Let there be no criminations or recriminations on account of acts of other days. No canvassing of past conduct or motives. Great disasters are upon us and upon the whole country, and without inquiring how these originated, or at whose door the fault should be laid, let us now as common sharers of common misfortunes, on all occasions, consult only as to the best means, under the circumstances as we find them, to secure the best ends toward future amelioration. Good government is what we want. This should be the leading desire and the

controlling object with all; and I need not assure you, if this can be obtained, that our desolated fields, our towns and villages, and cities now in ruins, will soon—like the Phoenix—rise again from their ashes; and all our waste places will again, at no distant day, blossom as the rose.

This view should also be borne in mind, that whatever differences of opinion existed before the late fury of the war, they sprung mainly from differences as to the best means to be used, and the best line of policy to be pursued, to secure the great controlling object of all,—which was GOOD GOVERNMENT. Whatever may be said of the loyalty or disloyalty of any in the late most lamentable conflict of arms, I think I may venture safely to say that there was, on the part of the great mass of the people of Georgia, and of the entire South, no *disloyalty* to the principles of the Constitution of the United States. To that system of representative government; of delegated and limited powers; that establishment in a new phase, on this continent, of all the essentials of England's *Magna Charta*, for the protection and security of life, liberty, and property; with the additional recognition of the principle as a fundamental truth, that all political power resides in the people. With us it was simply a question as to where our allegiance was due in the maintenance of these principles,—which authority was paramount in the last resort,—State or Federal. As for myself, I can affirm that no sentiment of disloyalty to these great principles of self-government, recognized and embodied in the Constitution of the United States, ever beat or throbbed in breast or heart of mine. To their maintenance my whole soul was ever enlisted, and to this end my whole life has heretofore been devoted, and will continue to be the rest of my days,—God willing. In devotion to these principles I yield to no man living. This much I can say for myself; may I not say the same for you and for the great mass of the people of Georgia, and for the great mass of the people of the entire South? Whatever differences existed among us arose from differences as to the best and surest means of securing these great ends, which was the object of all. It was with this view and this purpose secession was tried. That has failed. Instead of bettering our condition, instead of establishing our liberties upon a surer foundation, we have, in the war that ensued, come well-nigh losing the whole of the rich inheritance with which we set out.

This is one of the sad realizations of the present. In this, too, we are but illustrating the teachings of history. Wars, and civil wars especially, always menace liberty; they seldom advance it; while they usually end in its entire overthrow and destruction. Ours stopped just short of such a catastrophe. Our only alternative now is, either to give up all hope of constitutional liberty, or to retrace our steps, and to look for its vindication and maintenance in the forums of reason and justice, instead of on the arena of arms,—in the courts and halls of legislation, instead of on the fields of battle.

I am frank and candid in telling you right here that our surest hopes,

in my judgment, of these ends, are in the restoration policy of the President of the United States. I have little hope for liberty—little hope for the success of the great American experiment of self-government—but in the success of the present efforts for the restoration of the States to their former practical relations in a common government, under the Constitution of the United States.

We are not without an encouraging example on this line in the history of the mother-country,—in the history of our ancestors,—from whom we derived, in great measure, the principles to which we are so much devoted. The truest friends of liberty in England once, in 1642, abandoned the forum of reason, and appealed, as we did, to the sword, as the surest means, in their judgment, of advancing their cause. This was after they had made great progress, under the lead of Coke, Hampden, Falkland, and others, in the advancement of liberal principles. Many usurpations had been checked; many of the prerogatives of the Crown had been curtailed; the petition of right had been sanctioned; ship-money had been abandoned; courts-martial had been done away with; *habeas corpus* had been re-established; high courts of commission and star-chamber had been abolished; many other great abuses of power had been corrected, and other reforms established. But not satisfied with these, and not satisfied with the peaceful working of reason, to go on in its natural sphere, the denial of the sovereignty of the Crown was pressed by the too ardent reformers upon Charles the First. All else he had yielded,—this he would not. The sword was appealed to to settle the question; a civil war was the result; great valor and courage were displayed on both sides; men of eminent virtue and patriotism fell in the sanguinary and fratricidal conflict; the king was deposed and executed; a commonwealth proclaimed. But the end was the reduction of the people of England to a worse state of oppression than they had been in for centuries. They retraced their steps. After nearly twenty years of exhaustion and blood, and the loss of the greater portion of the liberties enjoyed by them before, they, by almost unanimous consent, called for restoration. The restoration came. Charles the Second ascended the throne, as unlimited a monarch as ever ruled the empire. Not a pledge was asked or a guaranty given, touching the concessions of the royal prerogative, that had been exacted and obtained from his father.

The true friends of liberty, of reform and of progress in government, had become convinced that these were the offspring of peace and of enlightened reason, and not of passion nor of arms. The House of Commons and the House of Lords were henceforth the theatres of their operations, and not the fields of Newberry or Marston-Moor. The result was, that in less than thirty years all their ancient rights and privileges, which had been lost in the civil war, with new securities, were re-established in the ever-memorable settlement of 1688; which, for all practical purposes, may be looked upon as a bloodless revolution. Since that time England has made still further and more signal strides in reform and progress. But

not one of these has been effected by resort to arms. Catholic emancipation was carried in Parliament, after years of argument, against the most persistent opposition. Reason and justice ultimately prevailed. So with the removal of the disability of the Jews,—so with the overthrow of the rotten-borough system,—so with the extension of franchise,—so with the modification of the corn-laws, and restrictions on commerce, opening the way to the establishment of the principles of free-trade,—and so with all the other great reforms by Parliament, which have so distinguished English history for the last half-century.

May we not indulge hope, even in the alternative before us now, from this great example of restoration, if we but do as the friends of liberty there did? This is my hope, my only hope. It is founded on the virtue, intelligence, and patriotism of the American people. I have not lost my faith in the people, or in their capacity for self-government. But for these great essential qualities of human nature to be brought into active and efficient exercise, for the fulfilment of patriotic hopes, it is essential that the passions of the day should subside; that the causes of these passions should not now be discussed; that the embers of the late strife shall not be stirred.

Man by nature is ever prone to scan closely the errors and defects of his fellow-man,—ever ready to rail at the mote in his brother's eye, without considering the beam that is in his own. This should not be. We all have our motes or beams. We are all frail; perfection is the attribute of none. Prejudice or prejudgment should be indulged toward none. Prejudice! What wrongs, what injuries, what mischiefs, what lamentable consequences, have resulted at all times from nothing but this perversity of the intellect! Of all the obstacles to the advancement of truth and human progress, in every department,—in science, in art, in government, and in religion, in all ages and climes,—not one on the list is more formidable, more difficult to overcome and subdue, than this horrible distortion of the moral as well as intellectual faculties. It is a host of evil within itself. I could enjoin no greater duty upon my countrymen now, North and South, than the exercise of that degree of forbearance which would enable them to conquer their prejudices. One of the highest exhibitions of the moral sublime the world ever witnessed was that of Daniel Webster, when in an open barouche in the streets of Boston he proclaimed in substance, to a vast assembly of his constituents,—unwilling hearers,—that “they had conquered an uncongenial clime; they had conquered a sterile soil; they had conquered the winds and currents of the ocean; they had conquered most of the elements of nature; but they must yet learn to conquer their prejudices!” I know of no more fitting incident or scene in the life of that wonderful man, “*Clarus et vir Fortissimus*,” for perpetuating the memory of the true greatness of his character, on canvas or in marble, than a representation of him as he then and there stood and spoke! It was an exhibition of moral grandeur surpassing that of Aristides when



he said, "Oh, Athenians, what Themistocles recommends would be greatly to your interest, but it would be unjust" !

I say to you, and if my voice could extend throughout this vast country, over hill and dale, over mountain and valley, to hovel, hamlet, and mansion, village, town, and city, I would say, among the first, looking to restoration of peace, prosperity, and harmony in this land, is the great duty of exercising that degree of forbearance which will enable them to conquer their prejudices. Prejudices against communities as well as individuals.

And next to that, the indulgence of a Christian spirit of charity. "Judge not, that ye be not judged," especially in matters growing out of the late war. Most of the wars that have scourged the world, even in the Christian era, have arisen on points of conscience, or differences as to the surest way of salvation. A strange way that to heaven, is it not? How much disgrace to the church, and shame to mankind, would have been avoided if the ejaculation of each breast had been, at all times, as it *should* have been,

"Let not this weak, unknowing hand  
Presume Thy bolts to throw,  
And deal damnation round the land,  
On him I deem *Thy* foe."

How equally proper is it now, when the spirit of peace seems to be hovering over our war-stricken land, that in canvassing the conduct or motives of others during the late conflict, this great truth should be impressed upon the minds of all,—

"Who made the heart? 'Tis He alone  
Decidedly, can try us;  
He knows each chord, its various tone,  
Each spring, its various bias;  
Then at the balance let's be mute,  
We never can adjust it;  
What's done we partly may compute,  
But know not what's resisted."

Of all the heaven-descended virtues that elevate and ennoble human nature, the highest, the sublimest, and the divinest is charity. By all means, then, fail not to exercise and cultivate this soul-regenerating element of fallen nature. Let it be cultivated and exercised not only among ourselves and toward ourselves, on all questions of motive or conduct touching the late war, but toward all mankind. Even toward our enemies, if we have any, let the aspirations of our hearts be, "Father, forgive them; they know not what they do." The exercise of patience, forbearance, and charity, therefore, are the three first duties I would at this time enjoin,—and of these three, "the greatest is charity."

But to proceed. Another one of our present duties is this: we should accept the issues of the war, and abide by them in good faith. This, I feel fully persuaded, it is your purpose to do, as well as that of your constit-

uents. The people of Georgia have in convention revoked and annulled her ordinance of 1861, which was intended to sever her from the compact of Union of 1787. The Constitution of the United States has been reordained as the organic law of our land. Whatever differences of opinion heretofore existed as to where our allegiance was due during the late state of things, none for any practical purpose can exist now. Whether Georgia, by the action of her Convention of 1861, was ever rightfully out of the Union or not, there can be no question that she is now in, so far as depends upon her will and deed. The whole United States, therefore, are now without question our country, to be cherished and defended as such by all our hearts and by all our arms.

The Constitution of the United States, and the treaties and laws made in pursuance thereof, are now acknowledged to be the paramount law in this whole country. Whoever, therefore, is true to these principles as now recognized, is loyal as far as that term has any legitimate use or force under our institutions. This is the only kind of loyalty and the only test of loyalty the Constitution itself requires. In any other view, everything pertaining to restoration, so far as regards the great body of the people in at least eleven States of the Union, is but making a promise to the ear to be broken to the hope. All, therefore, who accept the issue of war in good faith, and come up to the test required by the Constitution, are now loyal, however they may have heretofore been.

But with this change comes a new order of things. One of the results of the war is a total change in our whole internal polity. Our former social fabric has been entirely subverted. Like those convulsions in nature which break up old incrustations, the war has wrought a new epoch in our political existence. Old things have passed away, and all things among us in this respect are new. The relation heretofore, under our old system, existing between the African and European races, no longer exists. Slavery, as it was called, or the *status* of the black race, their subordination to the white, upon which all our institutions rested, is abolished forever, not only in Georgia, but throughout the limits of the United States. This change should be received and accepted as an irrevocable fact. It is a bootless question now to discuss whether the new system is better for both races than the old one was or not. That may be proper matter for the philosophic and philanthropic historian at some future time to inquire into, after the new system shall have been fully and fairly tried.

All changes of systems or proposed reforms are but experiments and problems to be solved. Our system of self-government was an experiment at first. Perhaps as a problem it is not yet solved. Our present duty on this subject is not with the past or the future; it is with the present. The wisest and the best often err in their judgments as to the probable workings of any new system. Let us, therefore, give this one a fair and just trial without prejudice, and with that earnestness of purpose

which always looks hopefully to success. It is an ethnological problem, on the solution of which depends not only the best interests of both races, but it may be the existence of one or the other, if not both.

This duty of giving this new system a fair and just trial will require of you, as legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them. It is not for me to go into detail. Suffice it to say on this occasion, that ample and full protection should be secured to them, so that they may stand equal before the law in the possession and enjoyment of all rights of person, liberty, and property. Many considerations claim this at your hands. Among these may be stated their fidelity in times past. They cultivated your fields, ministered to your personal wants and comforts, nursed and reared your children; and even in the hour of danger and peril they were, in the main, true to you and yours. To them we owe a debt of gratitude, as well as acts of kindness. This should also be done because they are poor, untutored, uninformed; many of them helpless, liable to be imposed upon, and need it. Legislation should ever look to the protection of the weak against the strong. Whatever may be said of the equality of races, or their natural capacity to become equal, no one can doubt that at this time this race among us is not equal to the Caucasian. This inequality does not lessen the moral obligations on the part of the superior to the inferior, it rather increases them. From him who has much, more is required than from him who has little. The present generation of them, it is true, is far above their savage progenitors, who were at first introduced into this country, in general intelligence, virtue, and moral culture. This shows capacity for improvement. But in all the higher characteristics of mental development they are still very far below the European type. What further advancement they may make, or to what standard they may attain, under a different system of laws every way suitable and wisely applicable to their changed condition, time alone can disclose. I speak of them as we now know them to be; having no longer the protection of a master, or legal guardian, they now need all the protection which the shield of the law can give.

But, above all, this protection should be secured, because it is right and just that it should be, upon general principles. All governments in their organic structure, as well as in their administration, should have this leading object in view: the good of the governed. Protection and security to all under its jurisdiction should be the chief end of every government. It is a melancholy truth that while this should be the chief end of all governments, most of them are used only as instruments of power, for the aggrandizement of the few at the expense of, and by the oppression of, the many. Such are not our ideas of government, never have been, and never should be. Governments, according to our ideas, should look to the good of the whole, and not a part only. "The greatest good to the

greatest number" is a favorite dogma with some. Some so defended our old system. But you know this was never my doctrine. The greatest good to all, without detriment or injury to any, is the true rule. Those governments only are founded upon correct principles of reason and justice which look to the greatest attainable advancement, improvement, and progress, physically, intellectually, and morally, of all classes and conditions within their rightful jurisdiction. If our old system was not the best, or could not have been made the best, for both races, in this respect and upon this basis, it ought to have been abolished. This was my view of that system while it lasted, and I repeat it now that it is no more. In legislation, therefore, under the new system, you should look to the best interest of all classes: their protection, security, advancement, and improvement, physically, intellectually, and morally. All obstacles if there be any, should be removed which can possibly hinder or retard the improvement of the blacks to the extent of their capacity. All proper aid should be given to their own efforts. Channels of education should be opened up to them. Schools, and the usual means of moral and intellectual training, should be encouraged among them. This is the dictate, not only of what is right and proper and just in itself, but it is also the promptings of the highest considerations of interest. It is difficult to conceive a greater evil or curse that could befall our country, stricken and distressed as it now is, than for so large a portion of its population, as this class will quite probably constitute among us hereafter, to be reared in ignorance, depravity, and vice. In view of such a state of things well might the prudent even now look to its abandonment. Let us not, however, indulge in such thoughts of the future; nor let us, without an effort, say the system cannot be worked. Let us not, standing still, hesitatingly ask, "Can there any good thing come out of Nazareth?" but let us rather say, as Gamaliel did, "If this counsel or this work be of men, it will come to nought: but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God." The most vexed questions of the age are social problems. These we have heretofore had but little to do with; we were relieved from them by our peculiar institution. Emancipation of the blacks, with its consequences, was ever considered by me with much more interest as a social question, one relating to the proper status of the different elements of society, and their relations toward each other, looking to the best interest of all, than in any other light. The pecuniary aspect of it, the considerations of labor and capital, in a *politico-economic* view, sunk into insignificance in comparison with this. This problem, as one of the results of the war, is now upon us, presenting one of the most perplexing questions of the sort that any people ever had to deal with.

Whether the great barrier of races which the Creator has placed between this, our inferior class and ourselves, shall prevent a success of the experiment now on trial, of a peaceful, happy, and prosperous community,

composed of such elements and sustaining present relations toward each other, or even a further elevation on the part of the inferior, if they prove themselves fit for it, let the future, under the dispensations of Providence, decide. We have to deal with the present. Let us do our duty now, leaving results and ultimate consequences to that

“Divinity which shapes our ends,  
Rough-hew them how we will,”

In all things on this subject, as in all others, let our guide be the admirable motto of our State. Let our counsels be governed by wisdom, our measures by moderation, and our principles by justice.

So much for what I have to say on this occasion touching our present duties on this absorbing subject, and some of our duties in reference to a restoration of peace, law, and order; without which all must, sooner or later, end in utter confusion, anarchy, and despotism. I have, as I said I should, only glanced at some general ideas.

Now as to the future and the prospect before us! On this branch of the subject I can add but little. You can form some ideas of my views of that from what has already been said. Would that I could say something cheerful! but that candor, which has marked all that I have said, compels me to say that to me the future is far from being bright. Nay, it is dark and impenetrable; thick gloom curtains and closes in the horizon all around us. Thus much I can say: my only hope is in the peaceful re-establishment of good government, and its peaceful maintenance afterward. And, further, the most hopeful prospect to this end now is the restoration of the old Union, and with it the speedy return of fraternal feeling throughout its length and breadth. These results depend upon the people themselves,—upon the people of the North quite as much as the people of the South,—upon their virtue, intelligence, and patriotism. I repeat, I have faith in the American people, in their virtue, intelligence, and patriotism. But for this I should long since have despaired. Dark and gloomy as the present hour is, I do not yet despair of free institutions. Let but the virtue, intelligence, and patriotism of the people throughout the whole country be properly appealed to, aroused and brought into action, and all may yet be well. The masses everywhere are alike equally interested in the great object. Let old issues, old questions, old differences, and old feuds be regarded as fossils of another epoch. They belong to what may hereafter be considered the Silurian period of our history. Great, new, living questions are before us. Let it not be said of us in this day, not yet passed, of our country's greatest trial and agony, that “there was a party for Cæsar, a party for Pompey, and a party for Brutus, but no party for Rome.”

But let all patriots, by whatever distinctive name heretofore styled, rally, in all elections everywhere, to the support of him, be he who he may, who bears the standard with “Constitutional Union” emblazoned

on its folds. President Johnson is now, in my judgment, the chief great standard-bearer of these principles, and in his efforts at restoration should receive the cordial support of every well-wisher of his country.

In this consists, on this rests, my only hope. Should he be sustained, and the Government be restored to its former functions, all the States brought back to their practical relations under the Constitution, our situation will be greatly changed from what it was before. A radical and fundamental change, as has been stated, has been made in that organic law. We shall have lost what was known as our "peculiar institution," which was so intertwined with the whole framework of our State body politic. We shall have lost nearly half the accumulated capital of a century. But we shall have still left all the essentials of free government, contained and embodied in the old Constitution, untouched and unimpaired as they came from the hands of our fathers. With these, even if we had to begin entirely anew, the prospect before us would be much more encouraging than the prospect was before them, when they fled from the oppressions of the Old World and sought shelter and homes in this then wilderness land. The liberties we begin with they had to achieve. With the same energies and virtues they displayed, we have much more to cheer us than they had. With a climate unrivalled in salubrity; with a soil unsurpassed in fertility; and with products unequalled in value in the markets of the world, to say nothing of our mineral resources, we shall have much still to wed us to the good old land. With good government, the matrix from which alone spring all great human achievements, we shall lack nothing but our own proper exertions, not only to recover our former prosperity, but to attain a much higher degree of development in everything that characterizes a great, free, and happy people. At least I know of no other land that the sun shines upon that offers better prospects under the contingencies stated.

The old Union was based upon the assumption that it was for the best interest of the people of all the States to be united as they were, each State faithfully performing to the people of the other States all their obligations under the common compact. I always thought this assumption was founded upon broad, correct, and statesman-like principles. I think so yet. It was only when it seemed to be impossible further to maintain it, without hazarding greater evils than would perhaps attend a separation, that I yielded my assent, in obedience to the voice of Georgia, to try the experiment which has just resulted so disastrously to us. Indeed, during the whole lamentable conflict, it was my opinion that however the pending strife might terminate, so far as the appeal to the sword was concerned, yet after a while, when the passions and excitements of the day should pass away, an adjustment or arrangement would be made upon continental principles, upon the general basis of "reciprocal advantage and mutual convenience," on which the Union was first established. My earnest desire, however, throughout, was whatever might be done,

might be peaceably done ; might be the result of calm, dispassionate, and enlightened reason ; looking to the permanent interests and welfare of all. And now, after the severe chastisement of war, if the general sense of the whole country shall come back to the acknowledgment of the original assumption, that it is for the best interests of all the States to be so united, as I trust it will,—the States still being “separate as the billows but one as the sea,”—I can perceive no reason why, under such restoration, we as a whole, with “peace, commerce, and honest friendship with all nations and entangling alliances with none,” may not enter upon a new career, exciting increased wonder in the Old World, by grander achievements hereafter to be made, than any heretofore attained, by the peaceful and harmonious workings of our American institutions of self-government. All this is possible if the hearts of the people be right. It is my earnest wish to see it. Fondly would I indulge my fancy in gazing on such a picture of the future. With what rapture may we not suppose the spirits of our fathers would hail its opening scenes from their mansions above. Such are my hopes, resting on such contingencies. But if, instead of all this, the passions of the day shall continue to bear sway ; if prejudice shall rule the hour ; if a conflict of races shall arise : if ambition shall turn the scale ; if the sword shall be thrown in the balance against patriotism ; if the embers of the late war shall be kept a-glowing until with new fuel they shall flame up again, then our present gloom is but the shadow, the *penumbra* of that deeper and darker eclipse, which is to totally obscure this hemisphere and blight forever the anxious anticipations and expectations of mankind ! Then, hereafter, by some bard it may be sung,—

“The Star of Hope shone brightest in the West,  
The hope of Liberty, the last, the best ;  
That, too, has set, upon her darkened shore,  
And Hope and Freedom light up earth no more.”

May we not all, on this occasion, on this anniversary of the birthday of Washington, join in a fervent prayer to heaven that the Great Ruler of events may avert from this land such a fall, such a fate, and such a requiem !

## APPENDIX D.

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### TESTIMONY OF ALEXANDER H. STEPHENS BEFORE THE RECONSTRUCTION COMMITTEE.

ALEXANDER H. STEPHENS *sworn and examined* :

By Mr. Boutwell :

*Question.* State your residence.

*Answer.* Crawfordville, Georgia.

*Q.* What means have you had since Lee's surrender to ascertain the sentiments of the people of Georgia with regard to the Union?

*A.* I was at home, in Georgia, at the time of the surrender of General Lee, and remained there until the 11th of May, and during that time conferred very freely with the people in my immediate neighborhood, with the Governor of the State, and with one or two other leading or prominent men in the State. From the 11th of May until my return to Georgia, which was the 25th of October, I had no means of knowing anything of the public sentiment there, except through the public press and such letters as I received. From the time of my return until I left the State on my present visit here, I had very extensive intercourse with the people, visiting Augusta, visiting Milledgeville during the session of the Legislature, first on their assembling, again in January upon their reassembling, and again in the latter part of February. While there, I conversed very freely and fully with all the prominent leading men, or most of them, in the Legislature, and met a great many of the prominent, influential men of the State, not connected with the Legislature; and by letters from and correspondence with men in the State whom I have not met. I believe that embraces a full answer to the question as to my means of ascertaining the sentiments of the people of that State upon the subject stated in the question.

*Q.* As the result of your observations, what is your opinion of the purpose of the people with reference to the reconstruction of the Government, and what are their desires and purposes concerning the maintenance of the Government?

*A.* My opinion, and decided opinion, is that an overwhelming majority of the people of Georgia are exceedingly anxious for the restoration of the Government, and for the State to take her former position in the Union, to have her Senators and Representatives admitted into Congress, and to enjoy all her rights and to discharge all her obligations as a State under the Constitution of the United States as it stands amended.



*Q.* What are their present views concerning the justice of the rebellion? Do they at present believe that it was a reasonable and proper undertaking, or otherwise?

*A.* My opinion of the sentiment of the people of Georgia upon that subject is, that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of the measure; there was, however, but very little division among them upon the question of the right of it. It is now their belief, in my opinion,—and I give it merely as an opinion,—that the surest, if not the only hope for their liberties is the restoration of the Constitution of the United States and of the Government of the United States under the Constitution.

*Q.* Has there been any change of opinion as to the right of secession, as a right, in the people or in the States?

*A.* I think there has been a very decided change of opinion as to the policy by those who favored it. I think the people generally are satisfied sufficiently with the experiment never to resort to that measure of redress again, by force, whatever may be their own abstract ideas upon that subject. They have given up all idea of a maintenance of these opinions by a resort to force. They have come to the conclusion that it is better to appeal to the forums of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty, than to the arena of arms. It is my settled conviction that there is not any idea cherished at all in the public mind of Georgia of ever resorting again to secession, or to the exercise of the right of secession by force. That whole policy for the maintenance of their rights, in my opinion, is at this time totally abandoned.

*Q.* But the opinion as to the right, as I understand, remains substantially the same?

*A.* I cannot answer as to that. Some may have changed their opinion in this respect. It would be an unusual thing, as well as a difficult matter, for a whole people to change their convictions upon abstract truths or principles. I have not heard this view of the subject debated or discussed recently, and I wish to be understood as giving my opinion only on that branch of the subject which is of practical character and importance.

*Q.* To what do you attribute the change of opinion as to the propriety of attempting to maintain their views by force?

*A.* Well, sir, my opinion about that—my individual opinion, derived from observation—is that this change of opinion arose mainly from the operation of the war among themselves, and the results of the conflict, from their own authorities on their individual rights of person and property,—the general breaking down of constitutional barriers which usually attend all protracted wars.

*Q.* In 1861, when the Ordinance of Secession was adopted in your State, to what extent was it supported by the people?

A. After the proclamation of President Lincoln calling out seventy-five thousand militia, under the circumstances it was issued, and blockading the Southern ports, and the suspension of the writ of *habeas corpus*, the Southern Cause, as it was termed, received the almost unanimous support of the people of Georgia. Before that they were very much divided on the question of the policy of secession. But afterwards they supported the cause within the range of my knowledge, with very few exceptions (there were some few exceptions, not exceeding half a dozen, I think). The impression then prevailing was, that public liberty was endangered, and they supported the cause because of their zeal for constitutional rights. They still differed very much as to the ultimate object to be attained, and the means to be used, but these differences yielded to the emergency of the apprehended common danger.

Q. Was not the Ordinance of Secession adopted in Georgia earlier in date than the proclamation for seventy-five thousand volunteers?

A. Yes, sir. I stated that the people were very much divided on the question of the Ordinance of Secession, but that after the proclamation the people became almost unanimous in their support of the cause. There were some few exceptions in the State,—I think not more than half a dozen among my acquaintances. As I said, while they were thus almost unanimous in support of the cause, they differed also as to the end to be attained by sustaining it. Some looked to an adjustment or settlement of the controversy upon any basis that would secure their constitutional rights; others looked to a Southern separate nationality as their only object and hope. These different views as to the ultimate objects did not interfere with the general active support of the cause.

Q. Was there a popular vote upon the Ordinance of Secession?

A. Only so far as in the election of delegates to the Convention.

Q. There was no subsequent action?

A. No, sir: the Ordinance of Secession was not submitted to a popular vote afterward.

Q. Have you any opinion as to the vote it would have received, as compared with the whole, if it had been submitted to the free action of the people?

Witness. Do you mean after it was adopted by the Convention?

Mr. Boutwell. Yes; after it was adopted by the Convention, if it had been submitted forthwith, or within a reasonable time.

A. Taking the then state of things into consideration, South Carolina, Florida, and Mississippi, I think, having seceded, my opinion is that a majority of the people would have ratified it, and perhaps a decided or large majority. If, however, South Carolina and the other States had not adopted their Ordinances of Secession, I am very well satisfied that a majority of the people of Georgia, and perhaps a very decided majority, would have been against secession if the ordinance had been submitted to them. But, as matters stood at the time, if the ordinance had been sub-

mitted to a popular vote of the State, it would have been sustained. That is my opinion about that matter.

*Q.* What was the date of the Georgia ordinance?

*A.* The 18th or 19th ; I think the 19th of January, 1861, though I am not certain.

*Q.* The question of secession was involved in the election of delegates to the Convention, was it not?

*A.* Yes, sir.

*Q.* And was there on the part of candidates a pretty general avowal of opinions?

*A.* Very general.

*Q.* What was the result of the election as far as the Convention expressed any opinion upon the question of secession?

*A.* I think the majority was about thirty in the Convention in favor of secession. I do not recollect the exact vote.

*Q.* In a convention of how many?

*A.* In a convention based upon the number of Senators and members of the House in the General Assembly of the State. The exact number I do not recollect, but I think it was near three hundred, perhaps a few over or under.

*Q.* Was there any difference in different parts of the State in the strength of Union sentiment at that time?

*A.* In some of the mountain counties the Union sentiment was generally prevalent. The cities, towns, and villages were generally for secession throughout the State, I think, with some exceptions. The anti-secession sentiment was more general in the rural districts and in the mountain portions of the State ; yet the people of some of the upper counties were very active and decided secessionists. There was nothing like a sectional division of the State at all. For instance, the delegation from Floyd County, in which the city of Rome is situated, in the upper portion of the State, was an able one, strong for secession, while the county of Jefferson, down in the interior of the cotton belt, sent one of the most prominent delegations for the Union. I could designate other particular counties in that way throughout the State, showing that there was not what might be termed a sectional or geographical division of the State on the question.

*Q.* In what particular did the people believe their constitutional liberties were assailed or endangered from the Union?

*A.* Mainly, I would say, in their internal social polity, and their apprehension from the general consolidating tendencies of the doctrines and principles of that political party which had recently succeeded in the choice of a President and Vice-President of the United States. It was the serious apprehension that if the Republican organization, as then constituted, would succeed to power, it would lead ultimately to a virtual subversion of the Constitution of the United States, and all essential guarantees of public liberty. I think that was the sincere and honest conviction

in the minds of our people. Those who opposed secession did not apprehend that any such result would necessarily follow the elections which had taken place; they still thought that all their rights might be maintained in the Union and under the Constitution, especially as there were majorities in both Houses of Congress who agreed with them on constitutional questions.

*Q.* To what feature of their internal social polity did they apprehend danger?

*A.* Principally the subordination of the African race as it existed under their laws and institutions.

*Q.* In what spirit is the emancipation of slaves received by the people?

*A.* Generally it is acquiesced in and accepted, I think, in perfect good faith, and with a disposition to do the best that can be done in the new order of things in this particular.

*Q.* What at present are the relations subsisting between the white people and black people, especially in the relation of employers and employed?

*A.* Quite as good, I think, as in any part of the world that ever I have been in, between like classes of employers and employés. The condition of things, in this respect, on my return last fall, was very different from what it was when I left home for my present visit to this city. During the fall and up to the close of the year there was a general opinion prevailing among the colored people that at Christmas there would be a division of the lands, and a very general indisposition on their part to make any contracts at all for the present year. Indeed, there were very few contracts, I think, made throughout the State until after Christmas, or about the 1st of January. General Tillson, who is at the head of the bureau in the State, and whose administration has given very general satisfaction to our people, I think, was very active in disabusing the minds of the colored people from their error in this particular. He visited quite a number of places in the State, and addressed large audiences of colored people, and when they became satisfied they were laboring under a mistake in anticipating a division of lands after Christmas and the 1st of January, they made contracts very readily generally, and since that time affairs have, in the main, moved on quite smoothly and quietly.

*Q.* Are the negroes generally at work?

*A.* Yes, sir; they are generally at work. There are some idlers; but this class constitutes but a small proportion.

*Q.* What upon the whole has been their conduct? Proper under the circumstances in which they have been placed, or otherwise?

*A.* As a whole, much better than the most hopeful looked for.

*Q.* As far as you know, what are the leading objects and desires of the negro population at the present time in reference to themselves?

*A.* It is to be protected in their rights of persons and of property,—to be dealt by fairly and justly.

Q. What, if anything, has been done by the Legislature of your State for the accomplishment of these objects?

A. The Legislature has passed an act of which the following is a copy :

“[No. 90.]

“AN ACT to define the term ‘persons of color,’ and to declare the rights of such persons.

“SEC. 1. *Be it enacted, etc.,* That all negroes, mulattoes, mestizoes, and their descendants, having one-eighth negro or African blood in their veins, shall be known in this State as ‘persons of color.’

“SEC. 2. *Be it further enacted,* That persons of color shall have the right to make and enforce contracts, to sue, be sued, to be parties and give evidence, to inherit, to purchase, and to have full and equal benefit of all laws and proceedings for the security of person and estate, and shall not be subjected to any other or different punishment, pain, or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences.”

The third section of this act simply repeals all conflicting laws. It was approved by the Governor on the 17th of March last.

Q. Does this act express the opinions of the people, and will it be sustained?

A. I think it will be sustained by the courts as well as by public sentiment. It was passed by the present Legislature. As an evidence of the tone of the Legislature of the State, as well as that of the people of the State upon this subject, I will refer you simply to a letter I wrote to Senator Stewart upon the same subject. I submit to you a copy of that letter. It is as follows :

“WASHINGTON, D. C., April 4th, 1866.

“DEAR SIR,—In answer to your inquiries touching the sentiments and feelings of the people of Georgia toward the freedmen, and the legal status of this class of population in the State, etc., allow me briefly to say that the address delivered by me on the 22d of February last before the Legislature (a copy of which I herewith hand you) expresses very fully and clearly my own opinions and feelings upon the subjects of your inquiry. This address was written and printed as you now see it, before its delivery. It was delivered *verbatim* as you now read it, that there might be no mistake about it. It was as it now stands unanimously endorsed by the Senate in a joint resolution, which was concurred in in the House without dissent, and was ordered to be spread upon the journals of both Houses. This I refer you to as a better and more reliable index of the feelings and views of the people of the State on this subject than any bare individual opinion I might entertain or express. The Legislature of the State, it is to be presumed, is as correct an exponent of the general feelings and views of the State upon any political question as any that can be obtained from any quarter. In addition to this, the Legislature subsequently evinced their principles by their works in passing an act, which I also inclose to you. This act speaks for itself. It is short, concise, pointed, as well as comprehensive. It secures to the colored race the right to contract and to enforce contracts, the right to sue and to be sued, the right to testify in the courts, subject to the same rules that

govern the testimony of whites, and it subjects them to the same punishments for all offences as the whites. In these respects, embracing all essential civil rights, all classes in Georgia now stand equal before the law. There is no discrimination in these particulars on account of race or color.

"Please excuse this hasty note; I have no time to go more in detail.

"Yours most respectfully,

"ALEXANDER H. STEPHENS.

"Hon. WILLIAM M. STEWART, United States Senate."

*Q.* What, if anything, is being done in Georgia with regard to the education of the negroes, either children or adults?

*A.* Nothing by the public authorities as yet. Schools are being established in many portions of the State, under the auspices, I think, of the Freedmen's Bureau, and quite a number by the colored people themselves, encouraged by the whites.

*Q.* What disposition do the negroes manifest in regard to education?

*A.* There seems to be a very great desire on the part of the children and younger ones, and with their parents, to have them educated.

*Q.* What is the present legal condition of those who have lived together as husband and wife? Do the laws recognize and sustain the relations and the legitimacy of their offspring?

*A.* Our State laws do. They recognize all those living as man and wife as legally man and wife. A good many of them took out licenses, and were married in the usual way. There is no difference in our laws in that respect. Licenses are issued for white and black alike, only they are prohibited from intermarrying with each other. The races are not permitted to intermarry.

*Q.* Were the amendments to the Constitution of the State of Georgia, recently adopted, submitted to the people?

*A.* No, sir; they were not submitted. I have no hesitation, however, in expressing the opinion that nine-tenths of the people would have voted for them if the Constitution had been submitted. That is but an opinion. I heard no dissent at all in the State. I was there all the time. I got home before the Convention adjourned. The State Constitution, as made by the Convention, would have been ratified almost without opposition. It would have been ratified *nem. con.* if it had been submitted. This, at least, is my opinion.

*Q.* What was the voting population of your State in 1860?

*A.* Something upward of a hundred thousand.

*Q.* What is probably the present voting population?

*A.* The voting population of the State, under the present Constitution, is perhaps eighty thousand. That is a mere estimate.

*Q.* Has there been any enumeration of the losses of Georgia in the field, in the military service?

*A.* No accurate estimate that I am aware of.

*Q.* What is it supposed to have been?

A. I am not able to answer the question with anything like accuracy.

Q. What is the public sentiment of Georgia with regard to the extension of the right of voting to the negroes?

A. The general opinion in the State is very much averse to it.

Q. If a proposition were made to amend the Constitution so as to have representation in Congress based upon voters substantially, would Georgia ratify such a proposed amendment, if it were made a condition precedent to the restoration of the State to political power in the Government?

A. I do not think they would. The people of Georgia, in my judgment, as far as I can reflect or represent their opinions, feel that they are entitled under the Constitution of the United States to representation without any further condition precedent. They would not object to entertain, discuss, and exchange views in the common councils of the country with the other States upon such a proposition, or any proposition to amend the Constitution, or change it in any of its features, and they would abide by any such change if made as the Constitution provides; but they feel that they are constitutionally entitled to be heard by their Senators and members in the Houses of Congress upon this or any other proposed amendment. I do not therefore think that they would ratify that amendment suggested as a condition precedent to her being admitted to representation in Congress. Such, at least, is my opinion.

Q. It is, then, your opinion that at present the people of Georgia would neither be willing to extend suffrage to the negroes, nor consent to the exclusion of the negroes from the basis of representation?

A. The people of Georgia, in my judgment, are perfectly willing to leave suffrage and the basis of representation where the Constitution leaves it. They look upon the question of suffrage as one belonging exclusively to the States; one over which, under the Constitution of the United States, Congress has no jurisdiction, power, or control, except in proposing amendments to the States, and not in exacting them from them: and I do not think, therefore, that the people of that State, while they are disposed, as I believe, earnestly to deal fairly, justly, and generously with the freedmen, would be willing to consent to a change in the Constitution that would give Congress jurisdiction over the question of suffrage. And especially would they be very much averse to Congress exercising any such jurisdiction, without their representatives in the Senate and House being heard in the public council upon this question that so vitally concerns their internal policy, as well as the internal policy of all the States.

Q. If the proposition were to be submitted to Georgia as one of the eleven States lately in rebellion, that she might be restored to political power in the Government of the country upon the condition precedent that she should, on the one hand, extend suffrage to the negro, or, on the other, consent to their exclusion from the basis of representation, would she accept either proposition and take her place in the Government of the country?

A. I can only give my opinion. I do not think she would accept either as a condition precedent presented by Congress, for they do not believe that Congress has the rightful power under the Constitution to prescribe such a condition. If Georgia is a State in the Union, her people feel that she is entitled to representation without conditions imposed by Congress. And if she is not a State in the Union, then she could not be admitted as an equal with the others if her admission were trammelled with conditions that do not apply to all the rest alike. General universal suffrage among the colored people, as they are now there, would by our people be regarded as about as great a political evil as could befall them.

Q. If the proposition were to extend the right of suffrage to those who could read, and to those who had served in the Union armies, would that modification affect the action of the State?

A. I think the people of the State would be unwilling to do more than they have done for restoration. Restricted or limited suffrage would not be so objectionable as general or universal; but it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a proper system of restricted or limited suffrage to this class of our population; but in my judgment it is a matter that belongs of constitutional right to the States to regulate exclusively, each for itself. But the people of that State, as I have said, would not willingly, I think, do more than they have done for restoration. The only view in their opinion that could possibly justify the war which was carried on by the Federal Government against them was the idea of the indissolubleness of the Union,—that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the Constitution; and since that was accomplished, since those who had assumed the contrary principle—the right of secession, and the reserved sovereignty of the States—had abandoned their cause, and the Administration here was successful in maintaining the idea upon which war was proclaimed and waged, and the only view in which they supposed it could be justified at all,—when that was accomplished, I say, the people of Georgia supposed their State was immediately entitled to all her rights under the Constitution. That is my opinion of the sentiment of the people of Georgia, and I do not think they would be willing to do anything further as a condition precedent to their being permitted to enjoy the full measure of their constitutional rights. I only give my opinion of the sentiment of the people at this time. They expected that as soon as the Confederate cause was abandoned, that immediately the States would be brought back into their practical relations with the Government, as previously constituted. That is what they looked to. They expected that the State would immediately have their representatives in the Senate and in the House, and they expected in good faith, as loyal men, as the term is frequently used,—I mean by it loyal to law, order, and the



Constitution,—to support the Government under the Constitution. That was their feeling. They did what they did believing it was best for the protection of constitutional liberty. Toward the Constitution of the United States, as they construed it, the great mass of our people were as much devoted in their feelings as any people ever were toward any cause. This is my opinion. As I remarked before, they resorted to secession with a view of maintaining more securely these principles. And when they found they were not successful in their object, in perfect good faith, as far as I can judge from meeting with them and conversing with them, looking to the future developments of their country in its material resources, as well as its moral and intellectual progress, their earnest desire and expectation was to allow the past struggle, lamentable as it was in its results, to pass by, and to co-operate with the true friends of the Constitution, with those of all sections who earnestly desire the preservation of constitutional liberty, and the perpetuation of the Government in its purity. They have been a little disappointed in this, and are so now. They are patiently waiting, however, and believing that when the passions of the hour have passed away, this delay in restoration will cease. They think they have done everything that was essential and proper, and my judgment is that they would not be willing to do anything further as a condition precedent. They would simply remain quiet and passive.

*Q.* Does your own judgment approve the view you have given as the opinion of the people of the State?

*A.* My own judgment is very decided that the question of suffrage is one that belongs, under the Constitution,—and wisely so too,—to the States respectively and exclusively.

*Q.* Is it your opinion that neither of the alternatives suggested in the question ought to be accepted by the people of Georgia?

*A.* My opinion is, that these terms ought not to be offered as conditions precedent. In other words, my opinion is, that it would be best for the peace, harmony, and prosperity of the whole country that there should be an immediate restoration,—an immediate bringing back of the States into their original practical relations,—and let all these questions then be discussed in common council. Then the representatives from the South could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. You may take my opinion, or the opinion of any individual, but they will not enable you to judge of the condition of the State of Georgia so well as for her own representatives to be heard in your public councils in her own behalf. My judgment, therefore, is very decided that it would have been better, as soon as the lamentable conflict was over, when the people of the South abandoned their cause and agreed to accept the issue,—desiring, as they do, to resume their places for the future in the Union, and to look to the halls of Congress and the courts for the protection of their rights in the Union,—it would have been better to have allowed that result to follow,

under the policy adopted by the Administration, than to delay it or hinder it by propositions to amend the Constitution in respect to suffrage or any other new matter. I think the people of all the Southern States would, in the halls of Congress, discuss these questions calmly and deliberately; and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly, patiently, and patriotically yield to whatever should be constitutionally determined in common council. But I think they feel very sensitively the offer to them of propositions to accept, while they are denied all voice in the common council of the Union under the Constitution in the discussion of these propositions. I think they feel very sensitively that they are denied the right to be heard. And while, as I have said, they might differ among themselves in many points in regard to suffrage, they would not differ upon the question of doing anything further as a condition precedent to restoration. And in respect to the alternate conditions to be so presented, I do not think they would accept the one or the other. My individual general views as to the proper course to be pursued in respect to the colored people are expressed in a speech made before the Georgia Legislature, referred to in my letter to Senator Stewart. That was the proper forum, as I conceive, in which to discuss this subject. And I think a great deal depends in the advancement of civilisation and progress, looking to the benefit of all classes, that these questions should be considered and kept before the proper forum.

*Q.* Suppose the States that are represented in Congress and Congress itself should be of the opinion that Georgia should not be permitted to take its place in the Government of the country except upon its assent to one or the other of the two propositions suggested: is it then your opinion that under such circumstances Georgia ought to decline?

*Witness.* You mean the States now represented, and those only?

*Mr. Boutwell.* Yes.

*Witness.* You mean by Congress, Congress as it is now constituted, with the other eleven States excluded?

*Mr. Boutwell.* I do.

*Witness.* And you mean the same alternative proposition to be applied to all the eleven States as conditions precedent to their restoration?

*Mr. Boutwell.* I do.

*A.* Then I think she ought to decline under the circumstances, and for the reasons stated; and so ought the whole eleven. Should such an offer be made and declined, and these States should thus continue to be excluded and kept out, a singular spectacle would be presented. A complete reversal of positions would be presented. In 1861, these States thought they could not remain safely in the Union without new guarantees, and now, when they agree to resume their former practical relations in the Union under the Constitution as it is, the other States turn upon them and say they cannot permit them to do so safely to their interest, without new

guarantees on their part. The Southern States would thus present themselves as willing for immediate union under the Constitution, while it would be the Northern States opposed to it. The former disunionists would thereby become unionists, and the former unionists the practical disunionists.

*Examination of ALEXANDER H. STEPHENS resumed:*

By Mr. Boutwell:

*Q.* Do you mean to be understood in your last answer that there is no constitutional power in the Government, as at present organized, to exact conditions precedent to the restoration to political power of the eleven States that have been in rebellion?

*A.* Yes, sir. That is my opinion.

*Q.* Do you entertain the same opinion in reference to the amendment to the Constitution abolishing slavery?

*A.* I do. I think the States, however, abolished slavery in good faith, as one of the results of the war. Their ratification of the constitutional amendment followed as a consequence. I do not think there is any constitutional power on the part of the Government to have exacted it as a condition precedent to their restoration under the Constitution, or to the resumption of their places as members of the Union.

*Q.* What, in your opinion, is the legal value of the laws passed by Congress and approved by the President in the absence of Senators and Representatives from the eleven States?

*A.* I do not know what particular law you refer to; but my answer, generally, is, that the validity of all laws depends on their constitutionality. This is a question for the judiciary to determine. My own judgment, whatever it might be, would have to conform to the judicial determination of the question. It is a question for the courts to determine.

*Q.* Have you formed any opinion upon that question?

*A.* I cannot say that I have formed any matured opinion in reference to any particular act of Congress embraced in the question.

*Q.* Assume that Congress shall in this session, in the absence of Senators and Representatives from the eleven States, pass an act levying taxes upon all the people of the United States, including the eleven, is it your opinion that such an act would be constitutional?

*A.* I should doubt if it would be. It would certainly, in my opinion, be manifestly unjust, and against all ideas of American representative government. Its constitutionality would, however, be a question for the judiciary to decide, and I should be willing to abide by that decision, whatever it might be.

*Q.* If the eleven States have at present an immediate constitutional right to be represented in Congress on a footing with the States at present represented, has that been a continuous right from the formation of the

Government, or from the time of the admission of the new States respectively, or has it been interrupted by war?

A. I think, as the Congress of the United States did not consent to the withdrawal of the seceding States, it was a continuous right under the Constitution of the United States, to be exercised so soon as the seceding States respectively made known their readiness to resume their former practical relations with the Federal Government, under the Constitution of the United States. As the General Government denied the right of secession, I do not think any of the States attempting to exercise it thereby lost any of their rights under the Constitution, as States, when their people abandoned that attempt.

Q. Is it or not your opinion that the Legislatures and people of the eleven States, respectively, have at present such a right to elect Senators and Representatives to Congress; that it may be exercised without regard to the part which persons elected may have had in the rebellion?

A. I do not think they could exercise that right in the choice of their Senators and members, so as to impair in the slightest degree the constitutional right of each House for itself to judge of the qualifications of those who might be chosen. The right of the constitutional electors of a State to choose, and the right of each House of Congress to judge of the qualifications of those elected to their respective bodies, are very distinct and different questions. And in thus judging of qualifications, I am free to admit that in my opinion no one should be admitted as a member of either House of Congress who is not really and truly loyal to the Constitution of the United States and to the Government established by it.

Q. State whether from your observation the events of the war have produced any change in the public mind of the South upon the question of the reserved rights of the States under the Constitution of the United States.

A. That question I answered in part yesterday. While I cannot state from personal knowledge to what extent the opinions of the Southern States upon the abstract question of the reserved rights of the States may have changed, my decided opinion is that a very thorough change has taken place upon the practical policy of resorting to any such right.

Q. What events or experience of the war have contributed to this change?

A. First, the people are satisfied that a resort to the exercise of this right, while it is denied by the Federal Government, will lead to war, which many thought before the late attempted secession would not be the case; and civil wars they are also now very well satisfied are dangerous to liberty; and, moreover, their experience in the late war I think satisfied them that it greatly endangered their own. I allude especially to the suspension of the writ of *habeas corpus*, the military conscriptions, the proclamations of martial law in various places, general impressments, and the levying of forced contributions, as well as the very demoralizing effects of war generally.

*Q.* When were you last a member of the Congress of the United States?

*A.* I went out on the 4th of March, 1859.

*Q.* Will you state, if not indisposed to do so, the considerations or opinions which led you to identify yourself with the rebellion so far as to accept the office of Vice-President of the Confederate States of America, so called?

*A.* I believed thoroughly in the reserved sovereignty of the several States of the Union under the compact of Union or Constitution of 1787. I opposed secession, therefore, as a question of policy, and not one of right on the part of Georgia. When the State seceded against my judgment and vote, I thought my ultimate allegiance was due to her, and I preferred to cast my fortunes and destinies with hers and her people rather than to take any other course, even though it might lead to my sacrifice and her ruin. In accepting position under the new order of things, my sole object was to do all the good I could in preserving and perpetuating the principles of liberty, as established under the Constitution of the United States. If the Union was to be abandoned either with or without force,—which I thought a very impolitic measure,—I wished, if possible, to rescue, preserve, and perpetuate the principles of the Constitution. This, I was not without hope, might be done in the new confederacy of States formed. When the conflict arose, my efforts were directed to as speedy and peaceful an adjustment of the question as possible. This adjustment I always thought, to be lasting, would have ultimately to be settled upon a continental basis, founded upon the principles of mutual convenience and reciprocal advantage on the part of the States, on which the Constitution of the United States was originally formed. I was wedded to no particular plan of adjustment, except the recognition, as a basis, of the separate sovereignty of the several States. With this recognized as a principle, I thought all other questions of difference would soon adjust themselves according to the best interests, peace, welfare, and prosperity of the whole country, as enlightened reason, calm judgment, and a sense of justice might direct. This doctrine of the sovereignty of the several States I regarded as a self-adjusting, self-regulating principle of our American system of State governments, extending, possibly, over the continent.

*Q.* Have your opinions undergone any change since the opening of the rebellion in reference to the reserved rights of States under the Constitution of the United States?

*A.* My convictions on the original abstract question have undergone no change, but I accept the issues of the war and the result as a practical settlement of that question. The sword was appealed to to decide the question, and by the decision of the sword I am willing to abide.

## APPENDIX E.

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### SPEECH OF THE HON. ALEXANDER H. STEPHENS, OF GEORGIA.

*Delivered in the House of Representatives, February 12th, 1878,  
at the uncovering of F. B. Carpenter's picture.*

MR. PRESIDENT AND MR. SPEAKER:

There is but little left to say in the performance of the part assigned me in the programme arranged for this august occasion. Upon the merits of the picture and the skill of the artist, my friend from Ohio [Mr. Garfield] has dwelt at large. I can but endorse all he has so well said on that subject. As to the munificent gift of the donor, he has also left me nothing to add. The present of a twenty-five thousand dollar painting to the Government well deserves commendation. Few instances of this sort have occurred in the history of our country; I know of none. The example of this generous lady in the encouragement of art may well be followed by others.

Mr. President, with regard to the subject of the painting, I propose, if strength permits, to submit a few remarks; first, as to the central figure, the man; after that, as to the event commemorated. I knew Mr. Lincoln well. We met in the House in December, 1847. We were together during the Thirtieth Congress. I was as intimate with him as with any other man of that Congress, except perhaps one. That exception was my colleague, Mr. Toombs. Of Mr. Lincoln's general character I need not speak. He was warm-hearted; he was generous; he was magnanimous; he was most truly, as he afterward said on a memorable occasion, "with malice towards none, with charity for all."

In bodily form he was above the average; and so in intellect; the two were in symmetry. Not highly cultivated, he had a native genius far above the average of his fellows. Every fountain of his heart was ever overflowing with the "milk of human kindness." So much for him personally. From my attachment to him, so much the deeper was the pang in my own breast as well as of millions at the horrible manner of his "taking off." That was the climax of our troubles and the spring from which came afterward "unnumbered woes." But of those events no

more now. Widely as we differed on public questions and policies, yet as a friend I may say:

"No farther seek his merits to disclose,  
Or draw his frailties from their dread abode;  
There they alike in trembling hope repose,  
The bosom of his Father and his God."

So much I have felt it my duty on this occasion to say in behalf of one with whom I held relations so intimate, and one who personally stood so high in my estimation.

Now as to the great historic event which this picture represents, and which it is designed to commemorate.

This is perhaps a subject which, as my friend from Ohio has said, the people of this day and generation are not exactly in a condition to weigh rightfully and judge correctly. One thing was remarked by him which should be duly noted. That was this: Emancipation was not the chief object of Mr. Lincoln in issuing the proclamation. His chief object, the ideal to which his whole soul was devoted, was the preservation of the Union. Let not history confuse events. That proclamation, pregnant as it was with coming events, initiative as it was of ultimate emancipation, still originated in point of fact more from what was deemed the necessities of war than from any pure humanitarian view of the matter. Life is all a mist, and in the dark our fortunes meet us.

This was evidently the case with Mr. Lincoln. He in my opinion was like all the rest of us, an instrument in the hands of that Providence above us, that "Divinity which shapes our ends, rough-hew them how we will." I doubt much, as was indicated by my friend from Ohio, whether Mr. Lincoln at the time realized the great result. Mark you, the proclamation itself did not declare free all the colored people of the Southern States; it applied only to those parts of the country then in resistance to the Federal authorities. If the emancipation of the colored race, which is one of the greatest epochs in our day, and will be so marked in the future history of this country, be a boon or a curse to them (a question which, under Providence, is yet to be solved, and which depends much upon themselves), then, representing the Southern States here, I must claim in their behalf that the freedom of that race was never finally consummated, and could not be until the Southern States sanctioned the Thirteenth Amendment, which they did, every one of them, by their own former constituencies. Before the upturning of Southern society by the reconstruction acts the white people there came to the conclusion that their domestic institution known as slavery had better be abolished. They accepted the proposition for emancipation by a voluntary, uncontrolled sanction of the proposed Thirteenth Amendment to the Constitution of the United States. This sanction was given by the original constituency of those

States, the former governing white race, and without that sanction the Thirteenth Amendment never could have been incorporated in the fundamental law. That is the charter of the colored man's freedom. Mr. Lincoln's idea, as embodied in his first proclamation of September 22d, 1862, as well as that of January 1st, 1863, was consummated by the adoption of the Thirteenth Amendment of the Constitution of the United States, and without that the proclamation had nothing but the continued existence of the war to sustain it. Had the States in resistance laid down their arms by the 1st of January, 1863, the Union would have been saved, but the condition of the slave so called would have been unchanged. Upon the subject of emancipation itself it may here be stated that the pecuniary view, the politico-economic question involved, the amount of property invested under the system, though that was vast, not less than two billion dollars, weighed, in my estimation, no more than a drop in the bucket compared with the great ethnological problem now in the process of solution.

Mr. President, as to this institution called slavery in the Southern States many errors existed, and many exceedingly unjust prejudices. Prejudice! What wrongs, what injuries, what mischiefs, what lamentable consequences have resulted at all times from this perversity of the intellect! Of all the obstacles to the advancement of truth and human progress in every department of knowledge, in science, in art, in government, and in religion, in all ages and climes, not one on the list is more formidable, more difficult to overcome and subdue than this horrible distortion of the moral as well as intellectual faculties.

I could enjoin no greater duty upon my countrymen now, North and South, as I said upon a former occasion, than the exercise of that degree of forbearance which would enable them to conquer their prejudices. One of the highest exhibitions of the moral sublime the world ever witnessed was that of Daniel Webster, the greatest orator I ever heard, combining thought with elocution, when after Faneuil Hall was denied him, he in an open barouche in the streets of Boston proclaimed in substance to a vast assembly of his constituents—unwilling hearers—that they had conquered an uncongenial clime; they had conquered a sterile soil; they had conquered the winds and currents of the ocean; they had conquered most of the elements of nature, but they must yet learn to conquer their prejudices.

I would say this to the people of the North as well as to the people of the South.

Indulge me for a moment upon this subject of the institution of slavery, so called, in the Southern States. Well, Mr. President and Mr. Speaker, it was not an unmitigated evil. It was not, thus much I can say, without its compensations. It is my purpose now, however, to bury, not to praise, to laud, "nor aught extenuate."

It had its faults, and most grievously has the country, North and South,



for both were equally responsible for it, answered them. It also, let it be remembered, gave rise to some of the noblest virtues that adorn civilisation. But let its faults and virtues be buried alike forever.

I will say this: If it were not the best relation for the happiness and welfare of both races or could not be made so, morally, physically, intellectually, and politically, it was wrong, and ought to have been abolished. This I said of it years before secession, and I repeat it still. But as I have said, this is no time now to discuss those questions.

I have seen something of the world and travelled somewhat, and I have never yet found on earth a paradise. The Southern States are no exception. Wherever I have been I have been ready to exclaim with Burns,—

“But oh! what crowds in every land  
Are wretched and forlorn!

Man’s inhumanity to man  
Makes countless thousands mourn.”

It was so at the South. It was so at the North. It is so yet. It is so in every part of the world where I have been. The question of the proper relation of the races is one of the most difficult problems which statesmen or philanthropists, legislators or jurists, ever had to solve. The former policy of the Southern States upon this subject is ended, but I do not think it inappropriate on this occasion to indulge in some remarks upon the subject. Since the emancipation, since the former ruling race have been relieved of their direct heavy responsibility, for the protection and welfare of their dependents, it has been common to speak of the colored race as “the wards of the nation.”

May I not say with appropriateness in this connection and due reverence, in the language of Georgia’s greatest intellect (Toombs), “They are rather the wards of the Almighty,” committed now under a new state of things to the rulers, the law-makers, the law-expounders, and the law-executors throughout this broad land, within their respective constitutional spheres, to take care of and provide for, in that complicated system of government under which we live? I am inclined, sir, so to regard them and so to speak of them,—not as to exceptional cases, but as a mass. In the providence of God why their ancestors were permitted to be brought over here it is not for us to say, but they have a location and habitation here, especially in the South; and since the changed condition of their status, though it was the leading cause of the late terrible conflict of arms between the States, yet I think I may venture to affirm there is not one within the circle of my acquaintance, or in the whole Southern country, who would wish to see the old relation restored.

If there is one in all the South who would desire such a change back I am not aware of it. Well, then, this changed status creates new duties. The wardship has changed hands. Men of the North and of the South,

of the East and of the West,—I care not of what party,—I would to-day, on this commemorative occasion, urge upon every one within the sphere of duty and humanity, whether in public or private life, to see to it that there be no violation of the divine trust.

Mr. President and Mr. Speaker, one or two other reflections may not be out of place on this occasion. In submitting them I shall but repeat, in substance, what I said in my own State nearly twelve years ago. What is to be the future?

During the conflict of arms I frequently almost despaired of the liberties of our country both South and North. War seldom advances, while it always menaces, the cause of liberty, and most frequently results in its destruction. The union of these States at first I always thought was founded upon the assumption that it was the best interest of all to remain united, faithfully performing each for itself its own constitutional obligations under the compact. When secession was resorted to as a remedy, it was only to avoid a greater evil that I went with my State, holding it to be my duty so to do, but believing all the time that, if successful (for which end I strove most earnestly), when the passions of the hour and of the day were over the great law which produced the Union at first, "mutual interest and reciprocal advantage," this grand truth which Great Britain learned after seven years of the Revolutionary War, and put in the preamble to the preliminary articles of peace in 1781, would reassert itself, and that at no distant day a new Union of some sort would again be formed.

My earnest desire, however, throughout was that whatever might be done, might be peaceably done; might be the result of calm, dispassionate, and enlightened reason, looking to the permanent interests and welfare of all. And now, after the severe chastisement of war, if the general sense of the whole country shall come back to the acknowledgment of the original assumption, that it is for the best interests of all the States to be so united, as I trust it will,—the States still being "separate as the billows but one as the sea,"—this thorn in the body politic being now removed, I can perceive no reason why under such restoration, the flag no longer waving over provinces but States, we as a whole, with "peace, commerce, and honest friendship with all nations and entangling alliances with none," may not enter upon a new career, exciting increased wonder in the Old World by grander achievements hereafter to be made, than any heretofore attained, by the peaceful and harmonious workings of our matchless system of American federal institutions of self-government. All this is possible if the hearts of the people be right. It is my earnest wish to see it. Fondly would I indulge my fancy in gazing on such a picture of the future. With what rapture may we not suppose the spirits of our fathers would hail its opening scenes from their mansions above. But if, instead of all this, sectional passions shall continue to bear sway; if prejudice shall rule the hour; if a conflict of classes, of labor and capital, or of the

races shall arise; if the embers of the late war shall be kept a-glowing until with new fuel they shall flame up again, then our late great troubles and disasters were but the shadow, the *penumbra* of that deeper and darker eclipse which is to totally obscure this hemisphere and blight forever the anxious anticipations and expectations of mankind! Then, hereafter, by some bard it may be sung,—

“ The Star of Hope shone brightest in the West,  
The hope of Liberty, the last, the best;  
It, too, has set upon her darkened shore,  
And Hope and Freedom light up earth no more.”



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